

ORDINANCE NO. 2024-263

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to provide more flexibility for single-family home development by reducing minimum lot size and building setback requirements, as more specifically described in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City of Gainesville, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

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, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the city; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville's Land Development Code is Chapter 30 of the Code of Ordinances); and

26 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land
27 Development Code as described herein; and

28 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
29 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
30 to Section 163.3174, Florida Statutes, held a public hearing on March 28, 2024, and voted to
31 make a recommendation to the City Commission regarding the subject of this ordinance; and

32 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
33 circulation notifying the public of this proposed ordinance and of public hearings to be held by
34 the City Commission; and

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

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

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

41 **SECTION 1.** Section 30-2.1 of the Land Development Code is amended as follows. Except as
42 amended herein, the remainder of Section 30-2.1 remains in full force and effect.

43 **Sec. 30-2.1. Definitions.**

44 **Residential zoning district** means zoning districts that allow predominantly residential uses,
45 including ~~RSF~~ SE, RC, MH, RMF, U1, and U2. All other districts are deemed non-residential.

SECTION 2. Section 30-3.36 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-3.36 remains in full force and effect.

Sec. 30-3.36. – Minor subdivisions.

A. Minor subdivision standards.

1. Each proposed lot shall conform to the provisions of this chapter.
2. All existing principal and accessory structures on each lot must conform to the use and development standards of this chapter.
3. All lots have city water and sewer services available and constructed to the lot line of at least one lot, with appropriate easements granted to allow future water and sewer connections to each of the lots at the time each lot is developed.
4. If the proposed minor subdivision abuts a public right-of-way that does not conform to the provisions of section 30-6.6 B., as further specified in the Design Manual, the owner may be required to dedicate, at no cost to the city, one-half of the right-of-way width necessary to meet the minimum design requirements. If the proposed minor subdivision abuts both sides of a substandard street, one-half of the right-of-way width necessary to meet those minimum design requirements may be required from each side. The dedication of this right-of-way or any easements necessary must be accomplished by a separate document. The applicant shall provide the city with legal descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as part of the approval process.
5. Each lot in the minor subdivision must front for the entire required minimum lot width on a public street or an approved private street, except in minor subdivisions where the lots are organized around a centrally-located common greenspace and individual owners are provided legal rights to ingress and egress to a public street or an approved private street. Where there is no minimum lot width requirement, each lot must abut a public street or approved private street for a width equivalent to the maximum driveway width required in section 30-6.20, plus any required turning radii area. Notwithstanding the above, the length of street frontage may be modified during minor subdivision review by the city manager or designee, based on the need to achieve the most efficient lot layout, access to and from the minor subdivision, operational needs of service vehicles, vehicular circulation and the health, welfare, and safety of the public.
6. The minor subdivision must create vehicular and pedestrian access to serve the minor subdivision and improve gridded connectivity by connecting to surrounding existing streets and by including new streets within the minor subdivision so that the resulting blocks will not exceed a maximum block perimeter of 2,000 feet or the maximum perimeter set by the zoning district, whichever is less. Modifications to this requirement

may be granted by the city manager or designee where the construction of a street is limited by existing conditions such as, but not limited to:

- a. Access management standards;
- b. Regulated environmental features; or
- c. Public facilities, such as, but not limited to, stormwater facilities, parks, or schools.

Alternatively, where the development review director determines that it is not possible to construct the streets that would be required to meet the block perimeter standard, the block perimeter must be completed with the provision of pedestrian and bicycle paths or multi-use paths. The applicant shall, at the expense of the applicant, construct the required streets or paths according to the appropriate city standards as determined through the minor subdivision review process, but may be sited and configured in a manner so that the streets provide the most appropriate access to the minor subdivision and connectivity to the surrounding street network. Where a street or path is planned to provide a future connection to a street or path beyond the extent of the minor subdivision, the applicant shall provide for the connection of the street by stubbing out the road improvements as close as practicable to the boundary of the minor subdivision.

7. Each approved private street must meet the following requirements in addition to the requirements in section 30-6.8:

- a. An approved private street must be paved to a minimum width of 12 feet wide for one-directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a determination must be made by the city public works department, the city fire rescue department, and city solid waste department that the approved private street is adequate to support service vehicles as necessary to provide municipal services.
- b. The structure and sub-base of the approved private street must meet the standards set forth in the Design Manual.
- c. Each approved private street must be connected directly to a public street or to another approved private street. The method and type of connection will be subject to approval by the city public works department in accordance with the standards set forth in the Design Manual. The private street serving the minor subdivision must have a maximum length of 1,000 feet (measured by traversing the length of the approved private street from its farthest extent to the nearest public street). At the point the private street reaches 1,000 feet in length, the applicant shall provide one of the following, as determined by the city fire rescue department: appropriate emergency connection to the nearest public road, if such a connection can be made on property within the minor subdivision; or a turnaround sized to accommodate fire and rescue vehicles.

d. The owners of each approved private street shall provide necessary easements to the city for the purpose of providing municipal services. Alternatively, if the city finds the street serves a valid public purpose, the owners may gratuitously dedicate an approved private street for purposes of public right-of-way.

e. Lots created on an approved private street must be designed to minimize the number of curb cuts onto the street. Shared driveway access is required of adjoining lots, except where an odd number of lots are created, in which case, one lot, as determined by the city public works department, may be allowed to have a separate driveway.

8. All proposed minor subdivisions must meet the level of service standards in the Comprehensive Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation. The approval of a nonresidential minor subdivision in no way reserves capacity for the purposes of concurrency.

B. *Review.*

1. *Application.* After a mandatory pre-application conference with staff, an application must be completed on a form prescribed by the city and submitted together with the following:

a. A map of boundary survey and minor subdivision certified by a professional land surveyor registered in the state according to F.S. Ch. 472. The survey must be drawn on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for binding, and a one-half-inch margin on the other three sides. Additional information to be shown on the survey must include but not be limited to:

i. The lot lines, dimensions, legal descriptions and acreages for each lot being created.

ii. The acreage of the total tract.

iii. A vicinity map showing the location of the survey in relationship to major thoroughfares.

iv. A note stating, "THIS IS NOT A RECORD PLAT."

v. A municipal approval statement, to be signed by the director of planning and development services, director of public works and general manager for Gainesville Regional Utilities or their designee, certifying that the minor subdivision conforms to all applicable ordinances and regulations of the city.

vi. A statement to be signed by the clerk of the court, stating, "Received and filed as an unrecorded map in accordance with F.S. § 177.132."

vii. The minor subdivision book and page where the survey is to be filed.

viii. The exact location of all existing principal and accessory structures on each lot. If the existing structures obscure the alignment of the proposed lots they may be

left off the map of minor subdivision and be submitted separately on a boundary survey of the parent parcel. Any shared use of said structures must be clearly stated and shown as easements on the minor subdivision.

b. A statement indicating the location where water or sanitary sewer service is available to the property, and a statement indicating that all utility service must be installed beneath the surface of the ground in accordance with section 30-8.2, and a statement indicating where stormwater management facilities are available to accommodate stormwater runoff of the proposed development.

c. If located on an approved private street, a signed consent (on the form provided by the city) from the owners of each approved private street that serves the minor subdivision.

d. Payment of fees as required by appendix A.

2. Upon receipt of a completed application, the several departments of the city shall review and provide comment.

3. Minor subdivisions that require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter may receive conditional approval but will not receive final approval or be filed with the clerk of the circuit court until all required improvements are fully constructed and approved by the city. No building permits may be issued for any of the lots until final approval is granted and the minor subdivision is filed.

4. If the proposed minor subdivision meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the development review director shall approve the minor subdivision.

5. Upon approval of the minor subdivision, the subdivider shall file with the clerk of the circuit court, with all fees paid by the subdivider, the original linen or stable base film drawing of the survey and any covenants, deed restrictions, or other required documents as an unrecorded map, in accordance with F.S. § 177.132. Upon filing of the approved minor subdivision, the subdivider shall submit to the city, in the form prescribed by the city, copies of the filed minor subdivision and any required documents.

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.

The following zoning districts are established to implement the Comprehensive Plan, to promote orderly urban growth, and to classify and regulate the use of land, water, buildings, and structures within the city:

Transects	
U1	Urban 1
U2	Urban 2
U3	Urban 3
U4	Urban 4
U5	Urban 5
U6	Urban 6
U7	Urban 7
U8	Urban 8
U9	Urban 9
DT	Downtown
Residential	
RSF-1 to 4 <u>SF</u>	Single-Family
RC	Residential Conservation
MH	Mobile Home
RMF-5	Single/Multi-Family
RMF-6 to 8	Multi-Family
Mixed-Use and Nonresidential	
MU-1	Mixed-Use Low-Intensity
MU-2	Mixed-Use Medium-Intensity
OR	Office Residential
OF	General Office
CP	Corporate Park
BUS	General Business
BA	Automotive-Oriented Business
BT	Tourist-Oriented Business
BI	Business Industrial
W	Warehousing and Wholesaling
I-1	Limited Industrial
I-2	General Industrial
Special Districts	
AGR	Agriculture
AF	Airport Facility
CON	Conservation

ED	Educational Services
MD	Medical Services
PD	Planned Development
PS	Public Services and Operations
Airport Hazard Zoning Overlay	
Heritage Overlay	
Historic Preservation/Conservation Overlay	

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.

The following table establishes the zoning districts allowable within the future land use categories from the Comprehensive Plan:

Future Land Use Category	Zoning Districts	Special Districts
Single-Family (SF)	U1, RSF-1 to 4SF , RSF-R	PD, CON, PS
Residential Low-Density (RL)	U2, RSF-4SF , RMF-5, MH, RC	PD, CON, PS
Residential Medium-Density (RM)	RMF-6 to 8	PD, CON, PS
Residential High-Density (RH)	N/A	PD, CON, PS
Mixed-Use Residential (MUR)	U5	PD, CON, PS
Mixed-Use Office/Residential (MOR)	U4, U3	PD, CON, PS
Mixed-Use Low-Intensity (MUL)	MU-1	PD, CON, PS
Mixed-Use Medium-Intensity (MUM)	MU-2, CP	PD, CON, PS
Urban Mixed-Use (UMU)	U6, U7, U8	PD, CON, PS
Urban Mixed-Use High-Intensity (UMUH)	U9	PD, CON, PS
Urban Core (UC)	DT	PD, CON, PS
Office (O)	OR, OF, CP	PD, CON, PS, MD
Commercial (C)	W, BA, BT, BUS, BI	PD, CON, PS
Business Industrial (BI)	BI, CP	PD, CON, PS
Industrial (IND)	W, I-1, I-2, BI	PD, CON, PS
Education (E)	N/A	PD, CON, PS, ED

Recreation (REC)	N/A	PD, CON, PS
Conservation (CON)	N/A	PD, CON, PS
Agriculture (AGR)	N/A	PD, CON, PS, AGR
Public and Institutional Facilities (PF)	N/A	PD, CON, PS, AF
Planned Use District (PUD)	N/A	PD

SECTION 5. Section 30-4.13 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.13 remains in full force and effect.

Sec. 30-4.13. Building form standards.

This section contains the building form standards that determine the location, scale and massing of all buildings within the transects.

Table V-2: Building Form Standards within Transects.

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
C. DEVELOPMENT INTENSITY										
Nonresidential building coverage (max)	60%	80%							90%	100%
Residential density by right/with bonus ² (max. units per acre)	<u>8</u> <u>12</u>	15	20	20	75	50/60	50/60	60/80	100/125	150/175

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

Sec. 30-4.16. 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-4: Permitted Uses in Residential Districts.

USES	Use Standards	RSF-1 to 4-SF	RC	MH	RMF-5	RMF-6 to 8
Accessory dwelling unit	30-5.36	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)	30-5.39	-	-	-	-	-
Mobile home		-	-	P	-	-
Multi-family dwelling		-	-	-	P	P

Multi-family, small-scale (2—4 units per building)		-	P ¹	-	P	P
Place of religious assembly	30-5.22	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	30-5.8	-	-	-	-	P
Skilled nursing facility		-	-	-	-	S
Social service facility	30-5.28	-	-	-	-	S
Subsistence garden	30-5.30	P	P	P	P	P
Urban market farm, less than 5 acres	30-5.30	P	P	P	P	P
Urban market farm, 5 acres or greater	30-5.30	S	S	S	S	S

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

221 **Sec. 30-4.17. Dimensional standards.**

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

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

	RSF-1	RSF-2	RSF-3	RSF-4	<u>SF</u>	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
DENSITY/INTENSITY											
Residential density (units/acre)											
Min.	None	None	None	None	None	None	None	None	8 ¹	8 ¹	8 ¹
Max. by right	3.5	4.6	5.8	8	<u>12</u>	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%	<u>50%</u>	50%	50%	50%	50%	50%	50%
LOT STANDARDS											
Min. lot area (sq. ft.)	8,500	7,500	6,000	4,300	<u>3,000⁹</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>NA</u>	70	NA	75	40	40	40
Other uses	85	75	60	50	<u>NA</u>	35	35	85	85	85	85
Min. lot depth (ft.)	90⁴	90⁴	90⁴	80 ⁴	<u>None</u>	None	None	90	90	90	90
MIN. SETBACKS (ft.)											
Front	20⁴	20 ⁴	20 ⁴	20 ^{4,5}	<u>10^{4,5}</u>	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	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	5	<u>5</u>	5	5	10	5 ³ /10	5 ³ /10	5 ³ /10

Rear ^{7, 8}	20	20	15	10	<u>10</u>	20	15	10	10	10	10
Rear, accessory	<u>7.5</u>	<u>7.5</u>	5	5	<u>5</u>	5	5	5	5	5	5
MAXIMUM BUILDING HEIGHT (stories)											
By right	3	3	3	3	<u>3</u>	3	3	3	3	3	3
With building height bonus	<u>N/A</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	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~~ 20 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.
- 9 = Lots below 5,445 square feet shall have a maximum square footage of the principal unit of no more than 1,500 square feet of gross floor area and a maximum of one accessory dwelling unit.

SECTION 8. Section 30-4.27 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-4.27 remains in full force and effect.

Sec. 30-4.27. Heritage overlay.

C. Effect.

4. The heritage overlay district shall be applied only to residential uses zoned ~~RSF-1, RSF-2, RSF-3, RSF-4, SF~~ and RC. Changing the zoning of a parcel to a zoning district other than ~~RSF-1, RSF-2, RSF-3, RSF-4, SF~~ or RC shall also require a simultaneous rezoning to remove the heritage overlay district.

SECTION 9. Section 30-5.22 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-5.22 remains in full force and effect.

Sec. 30-5.22. Places of religious assembly.

A. Within the ~~RSF-1, RSF-2, RSF-3, RSF-4 SF~~ and U1 districts, places of religious assembly are allowed upon the granting of a special use permit, subject to the following additional dimensional requirements:

1. Minimum lot area shall be one acre for each place of religious assembly with a building code capacity of 100 persons or less plus an additional one-half acre for each additional 50 persons of building code capacity.
2. Minimum yard setbacks:
 - a. Front: 25 feet.
 - b. Side, interior: 50 feet, unless the proposed use is adjacent to a non-residential district, in which case the district setbacks shall apply.
 - c. Side, street: 25 feet.
 - d. Rear: 50 feet, unless the proposed use is adjacent to a non-residential district, in which case the district setbacks shall apply.

B. *Day care centers and schools as accessory uses.* Within the ~~RSF-1, RSF-2, RSF-3, RSF-4 SF~~ and U1 districts, day care centers and schools may be allowed as accessory uses to places of religious assembly upon the granting of a special use permit; within all other districts, day care centers and schools are permitted accessory uses to any lawful place of religious assembly provided, in all cases, that the requirements and limitations for day care centers and schools as listed in this article are met.

SECTION 10. Section 30-5.33 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-5.33 remains in full force and effect.

Sec. 30-5.33. Wireless communication facilities and antenna regulations.

Table V-1: Zoning districts

Single-family and residential-low	RSF 1, RSF 2, RSF 3, RSF 4 <u>SF</u> , RC, MH, RMF-5, U1, U2.
Multiple-family	RMF-6, RMF-7, RMF-8, U4, U5.
Office	OF, CP, MD.
Mixed-use	MU-1, MU-2, U6, U7, U8, U9, DT.

SECTION 11. Section 30-5.39 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-5.39 remains in full force and effect.

Sec. 30-5.39. Fowl or livestock, accessory to residential uses.

The keeping or raising of fowl or livestock is allowed within the ~~RSF 1 through 4~~ SF, RC, U1, and U2 districts as an accessory use, subject to the following standards:

A. *Permitted activities.* The maximum allowed number of fowl or livestock is as follows:

Type of fowl or livestock	Max Allowed
Fowl	10 Gallus Domesticus hens per single family residence. No other types of fowl are allowed.
Horses and other equine animals	Prohibited
Cattle	Prohibited
Goats and Sheep	Prohibited
Pigs	Prohibited
Rabbits	Prohibited

B. *Limitations.* 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.

C. *Prohibited activities.*

1. On-premise sales of fowl or livestock or fowl or livestock byproducts (e.g. eggs, milk).
 2. Commercial raising or keeping of fowl or livestock.
 3. The keeping of roosters (defined as a male chicken of any age and generally characterized by an ability to crow) and any other crowing chickens are prohibited, as well as the slaughtering of hens in the ~~RSF-1 through 4~~ SF, RC, ~~11~~U1, U2 districts.
- D. *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.
- E. *Chicken coops within the* ~~RSF-1 through 4~~ SF, RC, U1, U2 districts.
1. Hens shall be contained within a covered chicken coop or fenced pen area. The coop and fenced pen area shall be located in the rear half of the residential lot behind the principal structure. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other public places of the city, or upon the property of any other person.
 2. The coop and fenced pen area shall meet the setback requirements for an accessory structure in the applicable zoning district.
 3. The coop and pen area shall be kept in a clean sanitary manner, free of insects and rodents, offensive odors (which shall not be detectable at property boundaries), excessive noise, or any other condition that could potentially cause a nuisance. Stored feed shall be secured in rodent proof and raccoon-proof enclosed containers.
 4. A building permit is not required for the coop if it is movable or prefabricated, and 12 square feet or less in size.

SECTION 12. Section 30-5.45 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-5.45 remains in full force and effect.

Sec. 30-5.45. Portable storage units and roll-offs.

Portable storage units and roll-offs, as defined in article II, are allowed by right as a temporary accessory use in the following zoning districts: ~~RSF-1, RSF-2, RSF-3, RSF-4~~ SF, RC, MH, RMF-5, RMF-6, RMF-7, RMF-8, and OR; subject to the following conditions:

SECTION 13. Section 30-6.7 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-6.7 remains in full force and effect.

333 **Sec. 30-6.7. Cluster subdivisions.**

- 334 D. *Dwelling types permitted.* Except in the ~~RSF-1, RSF-2, RSF-3 and RSF-4~~ SF zoning districts, all
335 types of attached and detached single-family residential dwellings may be permitted in a
336 cluster subdivision. In the ~~RSF-1, RSF-2, RSF-3 and RSF-4~~ SF districts only single-family
337 detached dwellings will be permitted in a cluster subdivision. Within cluster subdivisions, a
338 variety of lot sizes and architectural typologies shall be encouraged.
- 339 E. *Modification of street, yard, and lot requirements.* Modifications to the lot area, lot width and
340 depth, minimum yard setback, street width and layout requirements of the applicable zone
341 may be permitted if shown on the design plat and such plat is approved by the city
342 commission. No cluster subdivision of 50 acres or less in ~~an RSF~~ the SF district shall have lot
343 sizes reduced by more than 25 percent of that required by the district regulations. Each
344 cluster subdivision may use zero lot line, regular lots or a combination of the two. However,
345 each lot in a cluster subdivision that directly abuts developed property not in a cluster
346 subdivision shall not have the following, unless the subdivision provides a 35-foot buffer
347 around the entire subdivision:
- 348 1. An abutting side or rear yard that is less than that required for the abutting property; or
 - 349 2. A lot width that is less than 75 percent of the minimum lot width required in the zoning
350 district for the abutting property.
- 351 F. *Number of dwelling units permitted.* The total number of dwellings permitted in a cluster
352 subdivision shall not exceed the number of dwelling units that would have been otherwise
353 permitted by the density standards in the zoning district in which it is located. In the ~~RSF-1,~~
354 ~~RSF-2, RSF-3, RSF-4~~ SF, RMF-5, and RC districts, the permitted number of dwelling units may
355 be calculated by dividing the total land area of the cluster subdivision by the minimum lot
356 size required for the applicable zoning district. The number of dwelling units shall not exceed
357 the density allowed by the zoning district.

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360 **SECTION 14.** Section 30-6.19 of the Land Development Code is amended as follows. Except as
361 amended herein, the remainder of Section 30-6.19 remains in full force and effect.

362 **Sec. 30-6.19. Access Management.**

- 363 B. *Access to non-residential uses.*
- 364 1. Where a parcel of property used for nonresidential use in any business, office, industrial
365 or mixed-use district abuts more than one street, access from either street to such
366 property shall be permitted only if no property in any ~~RSF-1, RSF-2, RSF-3, RSF-4~~ SF or RC
367 residential district or shown for single-family residential use on the future land use map

of the Comprehensive Plan lies immediately across such street from such office-zoned property; provided, however, access may be permitted from any major collector or arterial as shown on the official roadway map; and provided, further, that one point of access shall be permitted in any case, notwithstanding other provisions of this subsection.

SECTION 15. Section 30-7.2 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-7.2 remains in full force and effect.

Sec. 30-7.2. Off-street vehicle parking.

Off-street vehicle parking, including public parking facilities, must be designed, constructed, and maintained in accordance with the following standards and regulations:

- A. *Access.* Vehicular ingress and egress to off-street parking facilities must be in accordance with the driveway ordinance, chapter 23, article V.
- B. *General requirements.* Parking areas must be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
 1. All parking spaces must contain some type of vehicle wheel stop or other approved barrier that prevents any part of a vehicle from overhanging onto the right-of-way of any public road, alley, walkway, utility or landscaped area.
 2. All parking lots with two or more rows of interior parking must contain grassed or landscaped medians at least eight feet in width unless an alternative landscape plan is approved pursuant to section 30-8.4. Where it is determined by public works that the landscaped median(s) would obstruct the storm drainage, the city manager or designee may approve an alternative.
 3. Off-street parking on any property with RC, or ~~RSF-1, RSF-2, RSF-3, or RSF-4~~ SF zoning, or planned development (PD) zoning with single-family or two-family dwellings, and that is located within either the University of Florida context area or a residential parking overlay district area will be regulated in accordance with section 30-7.7.

SECTION 16. Section 30-7.7 of the Land Development Code is amended as follows. Except as amended herein, the remainder of Section 30-7.7 remains in full force and effect.

398 **Sec. 30-7.7. Residential parking.**

399 A. *Residential parking.* This section is established to regulate off-street parking on specific
400 property located in the following zoning districts: RC, ~~RSF-1, RSF-2, RSF-3, or RSF-4~~ SF, or in a
401 district containing single family or two-family dwellings on property zoned planned
402 development (PD).

- 403 1. *Purpose and effect.* This section allows residents to take affirmative steps to preserve the
404 character of their residential and single-family neighborhoods and to enhance the public
405 health, welfare and safety as well as the aesthetic value of their property by controlling
406 off-street parking. Furthermore, healthy vegetation with an above-ground network of
407 leaves, shoots, and stems and an extensive fibrous root system below reduces soil erosion
408 and noise, and improves surface and groundwater by filtering rainwater.

409 This section acts as an overlay, in that the regulations of the underling zoning district and
410 all other applicable regulations remain in effect and are further regulated by the
411 residential parking overlay district standards described in this section. If provisions of this
412 section conflict with the underling zoning, the provisions of this section shall govern and
413 prevail.

414 2. *Criteria.*

- 415 a. The proposed area shall consist of at least 25 compact and contiguous parcels, as
416 defined in this chapter.
- 417 b. The area shall not cause the creation of an enclave or peninsula, as commonly defined
418 in annexations.
- 419 c. Each boundary of the area shall be one of the following identifiable landmarks: A
420 street, alley, publicly owned right-of-way, platted subdivision boundary, or a creek.
- 421 d. No area boundaries shall overlap the boundary of an existing residential parking
422 overlay district or the context area.
- 423 e. The area shall consist only of parcels that are in a RC, ~~RSF-1, RSF-2, RSF-3, or RSF-4~~ or
424 SF zoning district, or in a district of single-family or two-family dwellings on property
425 zoned PD.

- 426
- 427 4. *Off-street parking regulations in the context area and in any residential parking overlay.*
428 Off-street parking shall be limited to the driveway parking area meeting the dimensional
429 requirements below and leading from the permitted driveway connection to the enclosed
430 parking space (garage or carport), plus two pullout spaces as described below. If there is
431 no garage or carport, the driveway parking area shall meet the dimensional requirements
432 below and be able to provide parking and ingress or egress of vehicles.

- I. Where applicable, this plan shall be submitted as part of an application for a landlord permit and shall be approved by the city manager or designee prior to the issuance of a landlord permit. In all cases, each owner of property zoned RC, ~~or RSF-1, RSF-2, RSF-3, or RSF-4~~ SF zoning district, or that contains single-family or two-family dwellings on property zoned planned development (PD), which is within the context area, shall provide the city manager or designee with an updated parking plan showing the driveway parking areas and any pullout spaces no later than April 1, 2007, or in conjunction with the landlord permit application, whichever date comes earlier.

SECTION 17. It is the intent of the City Commission that the provisions of Sections 1 through 16 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 18. 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 19. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 20. This ordinance will become effective on the date the Comprehensive Plan amendment in Ordinance No. 2024-267 becomes effective as provided therein.

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461 **PASSED AND ADOPTED** this 3rd day of October, 2024.

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469 Attest:

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472 KRISTEN J. BRYANT

473 CITY CLERK


HARVEY L. WARD, JR.
MAYOR

Approved as to form and legality:


DANIEL M. NEE
CITY ATTORNEY

474 This ordinance passed on first reading this 18th day of July, 2024.

475

476 This ordinance passed on second reading this 3rd day of October, 2024.

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