

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE REPEALING IN ITS ENTIRETY, THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL FEBRUARY 2, 1971, TOGETHER WITH ALL AMENDMENTS THERETO AND ESTABLISHING APPENDIX A ZONING TO THE CITY OF GAINESVILLE’S MUNICIPAL CODE AND ADOPTING AS SAID APPENDIX AN ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES; AND PROVIDING A SAVINGS CLAUSE.**

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Gainesville to establish zoning districts within the City for the purpose of regulating the use of land and controlling the destiny of population to the end that congestion may be lessened in the public health, safety, convenience and general welfare promoted; and,

WHEREAS, the Planning and Zoning Commission recommend that new zoning rules and regulations be established.

WHEREAS, a public hearing was held on October 14, 2008, after written notice was mailed to all owners of real property as their names appeared upon the last approved tax roll, at least fifteen days before the date set for hearing in accordance with State Law, and notice was published in a paper of general circulation in the City of Gainesville, at least fifteen days prior to such hearing date, in accordance with State Law,

WHEREAS, the Planning and Zoning Commission after the public hearing reviewed all testimony and requests, and did present to the City Council the revised Zoning Ordinance in final form recommending its adoption:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GAINESVILLE, TEXAS: That the City of Gainesville Zoning Ordinance 25-2-71, passed and approved in February 2, 1971, together with all amendments thereto is repealed, and Appendix A Zoning is established and shall read as follows:

**Article 1 – General Provisions**

**SECTION 1.1 TITLE**

This ordinance shall be known and may be cited as “The City of Gainesville Zoning Ordinance”.

**SECTION 1.2 ADMINISTRATION**

The City Manager or his/her designee is hereby designated as the administrative official to supervise the administration and enforcement of the Ordinance.

## **SECTION 1.3 PURPOSE**

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City, and for the protection and preservation of places and areas of historical and cultural importance and significance. They are designed to regulate and restrict the height, number of stories and size of the yards, courts and other open spaces; the density of population; the location and use of buildings, structures and land for businesses, residences, and other purposes; and, in the case of designated places and areas of historical and cultural importance to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified. They have been created in order to conserve the value of buildings and encourage the most appropriate use of land throughout the City in accordance with the City's Comprehensive Land Use Plan.

## **SECTION 1.4 ZONING DISTRICTS ESTABLISHED**

### **1.4.01 [General Division of Districts]**

Zoning districts and regulations as herein set forth are established. The City of Gainesville, Texas, is hereby divided into the following districts:

- A. A-Agriculture.
- B. SF-1 Single-Family District.
- C. SF-2 Single-Family District.
- D. MF-1 Multi-Family Low Density District.
- E. MF-2 Multi-Family High Density District.
- F. MH-Manufactured Home District.
- G. CA-Central Area Commercial District.
- H. C-1 Restricted Commercial District.
- I. C-2 General Commercial District.
- J. C-3 Outdoor Commercial.
- K. I-Industrial District.
- L. PD-Planned Development District.

## **SECTION 1.5 ZONING DISTRICT MAPS**

### **1.5.01 [Zoning District Boundaries Delineated on Zoning District Map]**

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Gainesville, Texas, said map being hereby adopted as part of

this ordinance.

### **1.5.02 [Regulations for Maintaining Zoning Map]**

Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary shall be filed and maintained as follows:

- A. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
- B. One copy shall be filed with the City Manager or his/her designee and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the City Manager or his/her designee of all changes made to the Zoning District Map.
- C. When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council.
- D. When changes are made in district boundaries, such changes shall automatically change and be entered on the future land use map promptly after the amendment has been approved by the City Council.

### **1.5.03 [Map Certified]**

The official zoning map shall be identified by the signature of the Mayor, attested by the City Secretary and bear the seal of the City under the following words:

“This is to certify that this is the official zoning map adopted \_\_\_\_\_ by the City of Gainesville”

### **1.5.04 [Zoning District Boundaries]**

The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainties exist as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following streets, highways, or alleys shall be construed as to follow the centerline of such street, highway, or alley.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad or utility lines shall be construed to be following the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of way lines.
- E. In un-subdivided property. The district boundary lines on the map shall be

- determined by the use of the scale on the map.
- F. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
  - G. In the case of a district boundary line dividing a property into two parts, the district boundary line shall be construed as to be the property line nearest the less restricted district.
  - H. Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a street or alley is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
  - I. Where physical features of the ground are at variance with the information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections A-H above, or the zoning of the property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified A, Agriculture District, temporarily. In an area determined to be temporarily classified as A, Agriculture District, no person shall construct, add to or alter any building or structure or cause the sale to be done, nor shall any use be located therein or on land which is not permitted in an A, Agriculture District, unless or until such territory has been zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

## **SECTION 1.6 EFFECT OF THE ORDINANCE**

### **1.6.01 [Minimum Standards]**

Use of premises and all buildings in the city shall be in accordance with the minimum standards hereinafter established.

### **1.6.02 [Lot Requirements for Buildings.]**

Every building shall be on a lot, and except as provided in sections 1.7.05 and 1.7.06, there cannot be more than one building on a lot.

### **1.6.03 [Other Lot Regulations.]**

Yards or lot area required for one building cannot be used for another building; nor can the size of a lot be reduced below the requirements of this ordinance.

### **1.6.04. [Other Construction Requirements.]**

In all residential zoned districts except (MH) Manufactured Homes, masonry veneering shall cover eighty (80) percent of all sides of the first floor of all residential structures excluding doors and windows.

## **Section 1.7 Compliance With Zoning Regulations**

### **1.7.01 [General Provisions]**

All land, buildings, structures, or appurtenances thereon located within the City of Gainesville which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

### **1.7.02 [Authority to Enter Upon Private Property]**

The City Manager or his/her designee may, in the performance of his/her functions and duties under the provisions of this ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this ordinance.

### **1.7.03 [Building Prohibited Without Plat]**

No permit for the construction or placement of a building, or buildings, upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission, City Council, and filed in the Plat Records of Cooke County, Texas.

### **1.7.04 [Exclusions]**

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance and which entire building shall be completed within one (1) year from the date of passage of this ordinance.

### **1.7.05 [One Main Building on a Tract or Lot]**

Only one main building for one family or two family uses with permitted accessory buildings shall be located upon any lot or tract located within the SF-1, SF-2, MF-1, MH and CA zoning districts. Every dwelling shall face or front upon a public street or approved place other than an alley.

### **1.7.06 [Regulations Applicable to Multiple Buildings]**

Where a lot is zoned for MF-2 multi-family high density, C-2 general commercial, or I-industrial more than one main building may be located upon a lot but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the City. No parking area, storage area, or required open space for one

building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

## **SECTION 1.8 PLATTING PROPERTY IS PERMANENTLY ZONED**

### **1.8.01 [Zoning Required Prior to Approval of Plat]**

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

### **1.8.02 [Action on Zoning and Annexation]**

- A. All property annexed into the City of Gainesville shall be classified as Agriculture (A), unless area or tract is specifically zoned otherwise by the City Council during the annexation process.
- B. No construction shall continue in any annexed area until all required city permits are issued for the site in accordance with the ordinances of the city.

### **1.8.03 [Platting Within The Extra Territorial Jurisdiction.]**

The City Council shall approve plats within the Extra Territorial Jurisdiction of the City of Gainesville in cooperation with the county. All such plats shall conform to the most current subdivision rules and regulations as adopted by the City Council.

## **SECTION 1.9 CREATION OF BUILDING SITE**

### **1.9.01 [Procedure for Creating Building Site/Lot]**

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- A. Recorded Subdivision: The lot or tract is part of a plat of record, properly approved by the City of Gainesville, and filed in the plat records of Cooke County, Texas.
- B. Unrecorded Subdivision: The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such originally owned parcel.
- C. New Subdivisions: The plot or tract is all or part of a site plan officially approved by the City of Gainesville and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts or lots must be provided access via a public street or drive.

## **SECTION 1.10 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

### **1.10.01 [Permit Required]**

No permanent structure may be constructed within the city limits prior to the issuance of a Building Permit by the City Manager or his/her designee.

### **1.10.02 [Certificate of Occupancy Required]**

A Certificate of Occupancy is required for all structures to be occupied in all zoning districts within the city limits, and shall be governed by all applicable city codes and regulations as adopted by the City Council.

### **1.10.03 [Application for Building Permit]**

All Applications for Building Permits shall be governed by all applicable city codes and regulations as adopted by the City Council.

## **SECTION 1.11 RULES FOR WORDS AND PHRASES**

### **1.11.01 [General Interpretation]**

For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in Appendix A of this ordinance unless it is apparent from the context that different meanings are intended.

## **SECTION 1.12 AMENDMENTS, CHANGES, AND ADMINISTRATIVE PROCEDURES**

### **1.12.01 [Public Hearing and Notice]**

Upon filing of an application for a zoning district change, and upon receipt of all related fees, the Planning and Zoning Commission shall call a public hearing on said application.

- A. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than 10 days before such hearing is held to all owners of property who have rendered their property for city taxes, which is located within the area proposed to be changed, within 200 feet of such property. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given in accordance with Section 1.12.04 of this ordinance. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken. No notice of hearings before

the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by "open meeting" laws.

- B. An application for any change of zoning classification shall include a map showing the parcels within 200 feet of the property to be reclassified.
- C. The Planning and Zoning Commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the City Council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The Commission may defer its report for not more than 60 days until it has had opportunity to consider other proposed changes, which may have a direct bearing thereon. If the commission fails to finally report after 60 days, it would be deemed to have recommended negatively to the proposal.

### **1.12.02 [Action of the City Council]**

Upon public hearing and recommendation of the Planning and Zoning Commission the City Council may take the following actions:

- A. The City Council shall set said application for public hearing and shall give notice of the time and place of the hearing by one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing.
- B. If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may adopt or disapprove the amendment by a simple majority vote of the members of the Council present.
- C. If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple majority vote of the members of the Council present. In order to adopt the amendment, which has been recommended for disapproval by the Planning and Zoning Commission, the City Council shall be required to overrule the Planning and Zoning Commission by affirmative vote of at least three-fourths of all its members.
- D. In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more, either of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council.
- E. In making its determination, the City Council may consider the following factors:
  - (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.
  - (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
  - (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances, which may make a substantial part of such vacant land unsuitable for development.
  - (4) The recent rate at which land is being developed in the same zoning



- classification as the request, particularly in the vicinity of the proposed changes.
- (5) The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
  - (6) Any other factors which will substantially affect the public health, safety, morals or general welfare.

### **1.12.03 [Limitation of Resubmission of Petition or Application]**

In cases when the application for an amendment to the Zoning Ordinance is denied by City Council, said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

### **1.12.04 [Changes in Zoning Regulation]**

Amendments to the Zoning Ordinance not involving a particular property but involving change in the zoning regulations do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

## **SECTION 1.13 PLANNING AND ZONING COMMISSION**

### **1.13.01 [Creation, Membership, and Procedures]**

There is hereby created a Planning and Zoning Commission which shall be organized, appointed, and function as follows:

- A. Membership: The Planning and Zoning Commission shall consist of seven members appointed or re-appointed by the Mayor and confirmed by the City Council of the City of Gainesville. In addition to any other qualifications prescribed by law, each member of the Planning and Zoning Commission must be a resident of the City of Gainesville while in office.
- B. Terms: Members of the Board shall serve for staggered terms of two (2) years each. Four (4) members shall be appointed on April 1 in odd-numbered years, and three (3) members, shall be appointed on April 1 of even-numbered years.
- C. Training: All appointed commissioners of the Planning and Zoning Commission shall attend a minimum of one planning and zoning related training session within twelve months of appointment or re-appointment.
- D. Vacancies: Vacancies shall be filled for the unexpired term of any member whose place becomes vacant, for any cause, in the same manner as the original appointment was made.
- E. Quorum: Four members of the Planning and Zoning Commission shall constitute a quorum and the affirmative majority vote of the quorum shall be necessary for

passage of any recommendation to the City Council.

F. Procedures:

- (1) The officers of the Planning and Zoning Commission shall be the Chairperson and Vice-chairperson. The Planning and Zoning Commission shall choose these officers for one-year terms beginning at the start of every calendar year.
- (2) The Chairperson shall preside over all meetings of the Commission. The Vice-Chairperson shall preside in the absence of the Chairperson.
- (3) Regular meetings of the Commission shall be held the second Tuesday of each month as needed. Special meetings of the Commission shall be held at the call of the Chairperson, at the written request of two regular members of the Commission, or at the request of the City Manager with said request to be submitted to the Chairperson.

G. Absences: Commissioners are required to attend 75% of all scheduled meetings. Any Commissioner failing to attend the required number of meetings, or missing three consecutive meetings, may be removed by the City Council at the Chairman's written request to the Council. If a Commissioner has notified the Chairman of an absence 24 hours prior to a scheduled meeting, the Chairman may excuse that absence with such excused absences not counting against the fulfillment of the 75% rule.

H. The Commission shall keep minutes of its proceedings, which shall be of public record.

### **1.13.02 [Powers and Duties of the Commission]**

The Planning and Zoning commissioners are representatives of the City and may:

- A. Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.
- B. Recommend to the city council approval or disapproval of proposed changes in this Ordinance and the zoning map.
- C. Formulate and recommend to the City Council for its adoption a comprehensive land use plan for the orderly growth and development of the City and its environs and from time-to-time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- D. Recommend to the City Council approval or disapproval of plans, plats or re-plats, and exercise all other powers of a commission as to approval or disapproval of plans, plats or re-plats set out in Title 7 of the Local Government Code.
- E. Study and recommend on the location, extension and planning of public right-of-ways, parks or other public places, and on the vacating or closing of the same.
- F. Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- G. Recommend to the City Council approval or disapproval of special use permit requests.

## SECTION 1.14 BOARD OF APPEALS

### 1.14.01 [Creation, Membership and Procedures]

- A. Board of Appeals Established: A Board of Appeals is hereby established in accordance with the provisions of Texas Local Government Code, § 211.008, as amended, regarding the zoning of cities and with the powers and duties as provided in said Code.
- B. Membership: The Board of Appeals shall consist of five (5) citizens of Gainesville, each to be appointed or re-appointed by the Mayor and confirmed by the City Council. In addition to any other qualifications prescribed by law, each member of the Board of Appeals must be a resident of the City of Gainesville while in office.
- C. Terms of Office: Members of the Board shall serve for staggered terms of two (2) years each. Three (3) members shall serve until October 1 of odd-numbered years, as heretofore appointed, and two (2) members, as heretofore appointed, shall serve until October 1 of even-numbered years, and thereafter each member reappointed for each new appointee shall serve for a full term of two (2) years.
- D. Training: All appointed commissioners of the Board of Appeals shall attend a minimum of one training session within twelve months of appointment or reappointment.
- E. Absences: Commissioners are required to attend 75% of all scheduled meetings. Any Commissioner failing to attend the required number of meetings, or missing three consecutive meetings, may be removed by the City Council at the Chairman's written request to the Council. If a Commissioner has notified the Chairman of an absence 24 hours prior to a scheduled meeting, the Chairman may excuse that absence with such excused absences not counting against the fulfillment of the 75% rule.
- F. Quorum: A quorum shall consist of four (4) members to convene and conduct administrative action.
- G. Alternate Members: The City Council may appoint two (2) alternate members of the Board who shall serve in the absence of one or more of the regular members so that all cases to be heard by the Board will always be heard by a minimum number of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members.
- H. Vacancies: Vacancies shall be filled by the City Council for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made.
- I. Chairperson: The Board shall elect its own Chairperson and Vice Chairperson who shall serve one-year terms beginning at the start of every calendar year.
- J. Hearings: The hearings of the Board shall be public. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties of interest.
- K. Meetings: Regular meetings of the Board shall be held the second Thursday of each

month as needed. Special meetings of the Board shall be held at the call of the Chairperson, at the written request of two regular members of the Board, or at the request of the City Manager with said request to be submitted to the Chairperson.

#### **1.14.02 [Rules and Regulations]**

- A. Minutes: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Manager or his/her designee and shall be public record.
- B. Board Action: Four (4) board members must be present to conduct a meeting. Additionally, any orders issued by the board must clearly state all reasons for actions.
- C. Additional Rules and Regulations: The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the City Manager or his/her designee, all of which rules and regulations shall operate uniformly in all cases.

#### **1.14.03 [Powers and Duties of the Board]**

The Board of Appeals shall have the powers and exercise the duties of a Board in accordance with Texas Local Government Code Chapter 211.009(a) Board Members are representatives of the City and may:

- A. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance as requested by a property owner or a property owners authorized representative.
- B. Hear and decide special exceptions to the terms of the zoning ordinance as requested by a property owner or a property owners authorized representative;
- C. Hear and decide other matters authorized by the Council.

#### **1.14.04 [Vote of Four Members Required]**

The concurring vote of four members of the Board is necessary to:

- A. Reverse an order, requirement, decision or determination of an administrative official.
- B. Decide in favor of an applicant on a matter on which the Board is required to pass.

#### **1.14.05 [Appeals]**

- A. Procedure: Appeals shall be made by filing in the office of the Community Services, on a form provided, a notice of appeal and specifying the grounds thereof. The Community Services office shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed was taken.
- B. Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing

to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which an appeal is desired, such owners and persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

- C. Decision by Board: The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.
- D. Orders Issued by Board: All orders issued by the Board of Appeals must include the reasons for granting or denying a request clearly stated and included within the order.

#### **1.14.06 [Authorized Actions]**

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the City Manager or staff in the enforcement of this ordinance, and except as otherwise provided herein the Board shall have no other powers.
- B. The Board is not authorized to consider non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- C. Economic hardship is not a recognized hardship and shall not be considered by the Board when making a determination on appeal.

#### **1.14.07 [Changes]**

The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship, and borderline cases, which may arise from time to time. The Board may not change the district designation of any land either to a more or less restrictive zone. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board only on appeal from the decision of the City Manager or his/her designee and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by the laws of the State of Texas.

### **SECTION 1.15 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The City Council shall establish a schedule of fees, charges, expenses, and a collection procedure for building permits, zoning applications, and other matters pertaining to this ordinance.

- A. The schedule shall be posted in the office of the administration official or his/her designee and may be altered or amended only by the City Council.
- B. No permits, certificates, or special exceptions shall be issued unless and until such cost, charges, fees, or expenses have been paid in full, nor shall any action be taken

before the Board of Appeals unless or until preliminary charges and fees have been paid in full.

## **Article 2 – Nonconforming Lots, Structures, Uses, and Special Use Permits**

### **SECTION 2.1 PROVISIONS REGULATING NONCONFORMING USE**

#### **2.1.01 [Categories of Nonconformity Defined]**

Within the districts established by this ordinance, or amendments that may be later adopted there exist: characteristics and uses which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

#### **2.1.02 [Nonconforming Uses Regulated]**

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. No nonconforming use of land, building, or nonconforming structure shall be enlarged, changed, altered, or repaired, except in conformance with the regulations contained in this section.

#### **2.1.03 [Nonconforming Status]**

Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

- A. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use; or
- B. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or,
- C. The use, lot, or structure was in existence at the time of annexation to the city.

#### **2.1.04 [Nonconforming Lots of Record]**

In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this ordinance.

This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations shall apply.

#### **2.1.05 [Nonconforming Uses of Land]**

Where at the time of passage of this ordinance lawful use of land exists which

would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If any such nonconforming use of land is deemed to be abandoned, for any reason, for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- D. Existing nonconforming status shall not be granted to the following;
  - (1) Lot visibility obstructions,
  - (2) Screening requirements for junk or salvage yards,
  - (3) Razor, barbed wire, or glass topped fencing or walls.
  - (4) Cargo Containers
  - (5) Itinerant Vendors and Roadside Sales.

#### **2.1.06 [Nonconforming Buildings]**

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Structures existing prior to the effective date of this ordinance, which were conforming at that time, are considered to be legally conforming structure currently.
- B. No such nonconforming building may be enlarged or altered in a way that increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes.
- C. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, or fifty (50) percent of the area of the structure, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property. The Board of Appeals shall also take into consideration the historic significance of a structure. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.



### **2.1.07 [Nonconforming Uses Buildings]**

If lawful use involving individual buildings exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing building devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with city building codes.
- B. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Any building in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a building is discontinued or abandoned for six (6) consecutive months, the building shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- E. Where nonconforming use status applied to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

### **2.1.08 [Repairs and Maintenance]**

- A. On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be; provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized city official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt, except in conformity with the regulations of the district in which it is located.
- C. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **2.1.09 [Nonconforming Use Discontinued]**

A nonconforming use of any building or structure, which has been discontinued,

shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered discontinued when:

- A. It has been replaced with a conforming use;
- B. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six (6) months, or the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced within such six month period; or
- C. Most recent business as identified on Certificate of Occupancy Certificate is non-operational for a period of six (6) months.
- D. The intention of the owner to permanently discontinue the use is apparent.

#### **2.1.10 [Special Use Permits]**

Where at the time of passage of this ordinance exists any Special or Specific Use Permit such permit shall be deemed lawful until such time as said permit expires. At the expiration of the permit a new application shall be filed with the City of Gainesville in accordance Section 3.3 of this ordinance. Uses made prohibited by this ordinance shall not be renewed under any circumstance.

## **Article 3 - Use of Land or Premises**

### **SECTION 3.1 GENERAL PROVISIONS**

Land or premises in each of the following classified districts in the City of Gainesville shall be used for the following purposes only. Any other use of such land or premises shall be unlawful and in violation of this ordinance.

#### **3.1.01 [Additional Land Use Requirements]**

Unless specifically stated all land uses shall also meet the following additional provisions of this ordinance:

- A. Section 3.4 Accessory Uses and Structures
- B. Section 3.5 Screening Walls and Fences
- C. Section 3.6 Landscaping and Tree Preservation
- D. Section 3.7 Parking and Loading Requirements
- E. Section 3.8 Outdoor Lighting
- F. Section 3.9 Supplemental Provisions

#### **3.1.02 [Lot Visibility]**

- A. Corner Lot Visibility-On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 ½ ) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifteen (15) feet from the point of the intersection.
- B. Interior Lot Visibility-On an interior lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.
- C. There shall be no allowable existing nonconforming relief related to lot visibility.

#### **3.1.03 [A Agriculture District Defined]**

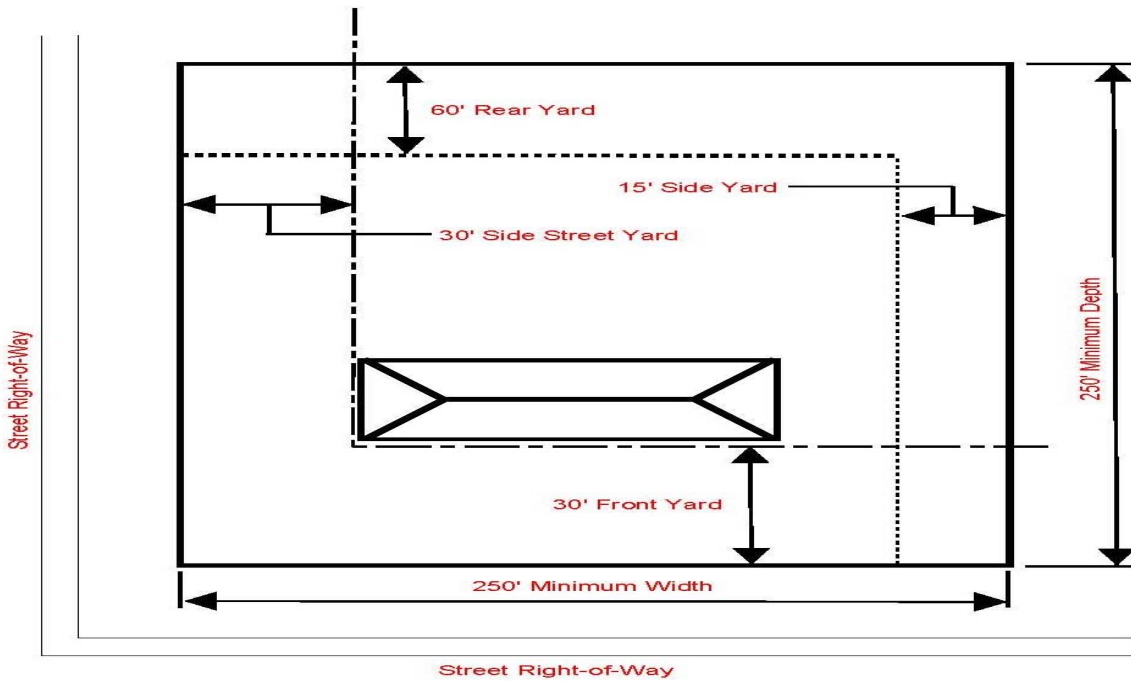
- A. Purpose – The A Agriculture District is established to maintain an area of agriculture or rural use within the City of Gainesville. The application of this district will ensure that the ranching, farming, forest, environmental, and scenic values of these areas are protected from incompatible development that may result in the degradation of their values.
- B. Land Use – Any agricultural use, including but not limited to:
  - (1) Single Family Dwellings
  - (2) Barns
  - (3) Maintenance / Storage Buildings for personal use only
  - (4) Churches

- (5) Public Schools
  - (6) Dwellings necessary for maintenance of the principal use
  - (7) Municipal Buildings
  - (8) Public Utilities
  - (9) Public Parks
- D. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.03.B1

**TABLE 3.1.03.B1  
 AGRICULTURAL DISTRICT (A) BULK REGULATIONS  
 (in feet, unless noted otherwise)**

MINIMUM LOT AREA (acres)	MAXIMUM DENSITY (unit / acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE		MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	Main Building	All Buildings	
5	1	250	250	30	15 Interior 30 Street	60	5%	10%	35

**FIGURE 3.1.03.B2  
 AGRICULTURAL DISTRICT (A)  
 MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### **3.1.04 [SF-1 Single Family One District Defined]**

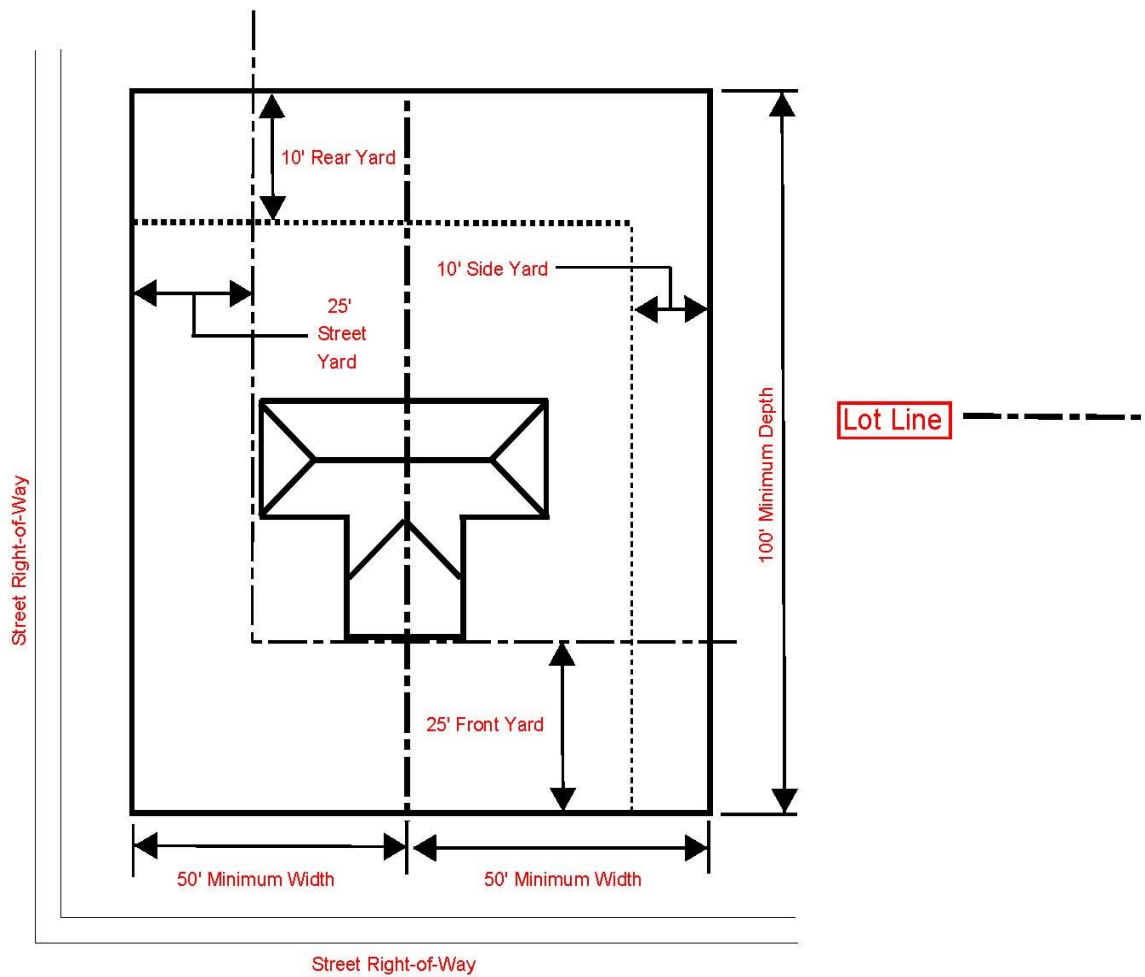
- A. Purpose – The SF-1 Single Family One Residential District is established to provide for areas requiring minimum lot sizes of five thousand (5,000) square feet for medium population densities within neighborhoods. This district is intended to allow zero lot line dwellings, and shall allow for a maximum unit density of eight (8) units per acre.
- B. Land Use
  - (1) Single-family dwellings
  - (2) Patio Home Subdivisions
  - (3) Town Homes
  - (4) Churches
  - (5) Public Schools
  - (6) Municipal Buildings
  - (7) Public Utilities
  - (8) Public Parks
- C. Site Plan Required – A site plan must be approved by the City Manager or his/her designee in accordance with Section 3.11.02 [Site Plans]
- D. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.04.B1
- E. Setbacks Explained
  - (1) The dwelling unit in an SF-1 Zoning District may be placed on one interior side property line.
  - (2) The minimum setback of a remaining interior yard shall be a minimum of ten (10) feet from the other property line, excluding the connecting element such as fences, walls, and trellises.
  - (3) The minimum setback of a remaining street yard shall be a minimum of twenty-five (25) feet from the other property line, excluding the connecting element such as fences, walls, and trellises.
- F. Only patios, garden features, and other similar elements shall be permitted within the ten (10) or twenty-five (25) foot setback, subject to an easement requirement set forth herein.
- G. Each Dwelling Unit in an SF-1 Zoning District shall be located on its own individual platted lot with any zero lot line and all easements clearly and accurately identified.
- H. In SF-1 Zoning Districts there shall be provided a perpetual maintenance, eave overhang, and drainage easement of at least five (5) feet wide meeting the following criteria.
  - (1) Easement must be adjacent to the zero lot line property line that, with the exception of walls and/or fences, must be kept clear of obstructions.
  - (2) Easement shall be clearly and accurately shown on the plat and incorporated into each deed transferring title to the property.
  - (3) All walls that are located on the property line shall be maintained in its original color and/or treatment unless otherwise agreed to in writing by the two affected lot owners.
  - (4) Eaves, but no other part of the structure, may protrude across a side lot line, and such protrusion shall not exceed eighteen inches (18”). Water runoff from the dwelling placed on the lot is limited to the easement area.

- I. Opening prohibited on the Zero Lot Line Side – Except when such a wall abuts a permanent open space or public right-of-way, and in order to maintain privacy, there shall be no;
  - (1) Doors;
  - (2) Windows;
  - (3) Air conditioning units; or
  - (4) other openings.
- J. Atriums shall be permitted along the zero lot lines under the following conditions;
  - (1) Any atrium must be enclosed by at least three walls of the dwelling unit.
  - (2) A solid wall of at least eight (8) feet in height is constructed along the zero lot line.
  - (3) Such solid wall is constructed of the same material as the exterior wall of the unit.
- K. Accessory buildings in the SF-1 Zoning District shall meet the following requirements:
  - (1) They shall not exceed eighty (80) square feet of floor area,
  - (2) They shall not exceed eight (8) feet in height.
  - (3) They shall observe the same setback requirements of the main structure.
  - (4) Maximum limit of one accessory building per lot.

**TABLE 3.1.04.B1  
SINGLE-FAMILY ONE DISTRICT (SF-1) BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (dwelling unit / lot)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE		MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	Main Building	All Buildings	
5,000	1	50	100	25	10 Interior 25 Street	10	35%	45%	35

**FIGURE 3.1.04.B2  
SINGLE-FAMILY ONE DISTRICT (SF-1)  
MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

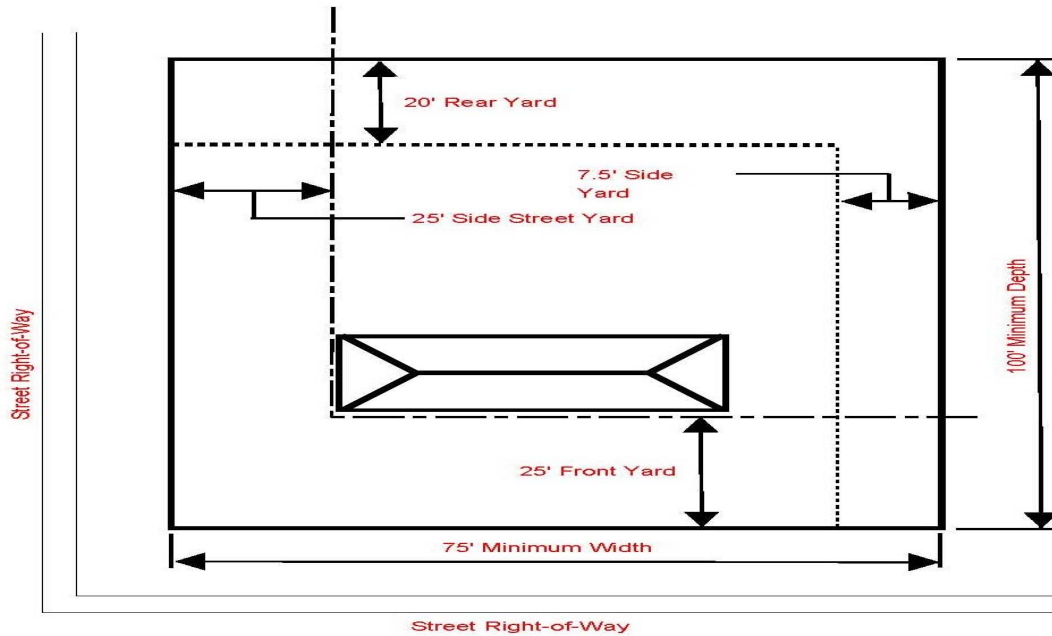
**3.1.05 [SF-2 Single Family Two District Defined]**

- A. Purpose – The SF-2 Single Family Two Residential District is established to provide for areas requiring minimum lot sizes of seven thousand five hundred (7,500) square feet for low population densities within neighborhoods, to preserve and protect existing neighborhoods and ensure that any new development is compatible with existing land uses, patterns, and design standards.
- B. Land Use - All uses permitted in the SF-1 single-family district with the exception of patio or zero lot line homes.
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.05.B1

**TABLE 3.1.05.B1  
SINGLE-FAMILY 1 DISTRICT (SF-2) BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (dwelling unit / lot)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE		MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	Main Building	All Buildings	
7,500	1	75	100	25	7.5 Interior 25 Street	20	35%	45%	35

**FIGURE 3.1.06.B2  
SINGLE-FAMILY 2 DISTRICT (SF-2)  
MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**



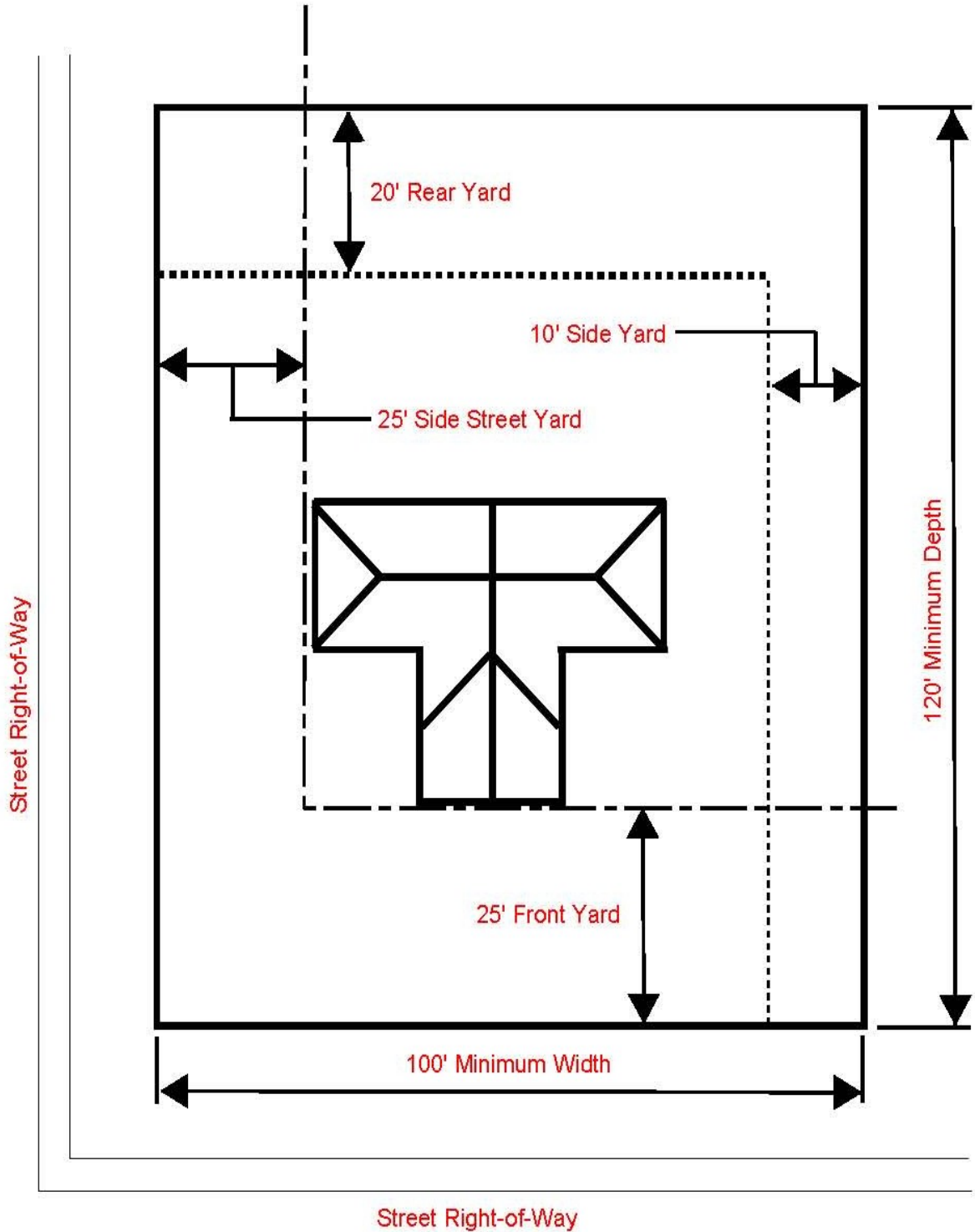
**3.1.06 [MF-1 Moderate Density Multifamily Residential District Defined]**

- A. Purpose – The MF-1 Moderate Density Multifamily Residential Density District is established to accommodate and encourage multifamily residential development, which is compatible with surrounding developments. This district may be used as a buffer between high density multifamily, commercial or industrial areas and other residential developments. MF-1 development shall be located upon principle collector streets and accessible community facilities appropriate for such development.
- B. Land Use
  - (1) Two-family dwelling
  - (2) Four-family dwelling
  - (3) Public Schools
  - (4) Municipal Buildings
  - (5) Public Utilities
  - (6) Public Parks
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.06.B1

**TABLE 3.1.06.B1  
 MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-1)  
 BULK REGULATIONS FOR TWO AND FOUR FAMILY STRUCTURES  
 (in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (unit / acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE		MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	Main Building	All Buildings	
12,000	12	100	120	25	10 Interior 25 Street	20	45%	45%	35

**FIGURE 3.1.06.B2**  
**MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-1)**  
**MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### **3.1.07 [MF-2 High Density Multifamily Residential District Defined]**

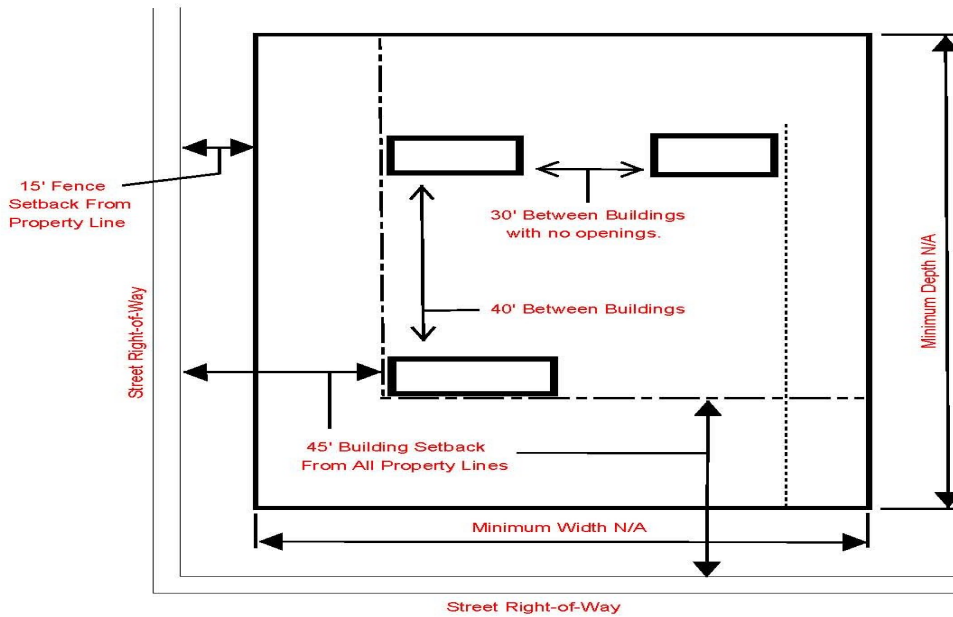
- A. Purpose – The MF-2 High Density Multifamily Residential District is established to accommodate and encourage high density multifamily residential development which is compatible with surrounding residential development, in areas within the City which are generally suitable for such development, while maintaining both their value and aesthetic characteristics. MF-2 development shall be located upon, or have direct access to, principle arterial roadways and have adequate access to community facilities appropriate for such development.
- B. Land Use
  - (1) Apartment complexes of five units or more.
  - (2) Bulk Regulations- The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.07.B1
- C. Minimum Living Area – The minimum living area per unit shall be:
  - (1) 800 Square foot for a one-bedroom unit.
  - (2) 1,000 square foot for a two-bedroom unit.
  - (3) 1,200 square foot for a three-bedroom unit
- D. Site Plan Required – A site plan must be approved by the City Manager or his/her designee in accordance with Section 3.11.02 [Site Plans]
- E. Refuse Facilities – Every dwelling unit within a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times a minimum of six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be gated and screened from view on all sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies, and be in compliance with all other city ordinances related to solid waste disposal and collection.
- F. Fences Required – All MF-2 developments, excluding nursing homes and assisted living facilities shall be enclosed by a fence. The following provisions apply:
  - (1) The leasing office is the only building that is not required to be enclosed by the fence. The leasing office may be incorporated as part of the fencing structure to maintain limited access to the property.
  - (2) Fences located adjacent to any street shall be at a minimum of fifteen (15) feet inside the property line.
  - (3) All fences and screening shall comply with the regulations governing visibility at intersections and interior lots as prescribed in the Code of Ordinances.
- G. Gated Entrances – All multi-family development, excluding nursing homes and assisted living facilities, shall be gated with private drives. Landscaping and entrance features shall be provided in addition to security mechanisms that may or may not include manned facilities. All gated entries shall have at minimum:

- (1) Knox Boxes, which contain a code or key for opening the gate, at each point of entry into the development and
- (2) Adequate width and height clearance for all emergency apparatus.
- (3) Gates shall be at a minimum of twenty (20) feet inside any property line that is adjacent to any street.

**TABLE 3.1.07.B1  
HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-2)  
ZONE BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (acres)	MAXIMUM DENSITY (1) (unit / acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS		MAXIMUM LOT COVERAGE		MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum Fence Setback From Property Lines	Minimum Setback of Structures From Property Lines	Main Building	All Buildings	
1	25	NA	NA	15	45	50%	65%	45

**FIGURE 3.1.07.B2  
HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-2)  
MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### 3.1.08 [MH Manufactured Home Residential District Defined]

- A. The MH manufactured Home Residential District is established to provide minimum standards and requirements for manufactured home subdivisions within the City. This district is not intended to provide for temporary or long-term storage areas for mobile, manufactured, or factory built homes.
- B. Land Use
  - (1) HUD-Code manufactured home subdivisions
  - (2) Churches
  - (3) Public Schools
  - (4) Municipal Buildings
  - (5) Public Utilities
  - (6) Public Parks
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.08.B1
- D. Land within the “MH” district will be developed as a Manufactured Home subdivision. Lots within the “MH” districts will be sold to private individuals in strict conformance with the terms and conditions under which the subdivision was approved by the City Council.
- E. All roadways within a manufactured home subdivision shall be dedicated to the public.
- F. All private interior drives must be approved by the City Manager or his/her designee.
- G. Land zoned “MH” which is not developed as manufactured home subdivision may be developed in accordance with SF-2 Zoning Regulations.
- H. In the “MH” district, no building or land shall be used and no building constructed, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance.
- I. Additional Mobile Home Definitions
  - (1) **HUD-Code Manufactured Home.** A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet in length excluding tongue, or when erected on-site is three hundred and twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.
  - (2) **Mobile Home.** A structure constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet in length excluding tongue, or when erected on site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.
  - (3) **Recreational Vehicle (RV).** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections, self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living

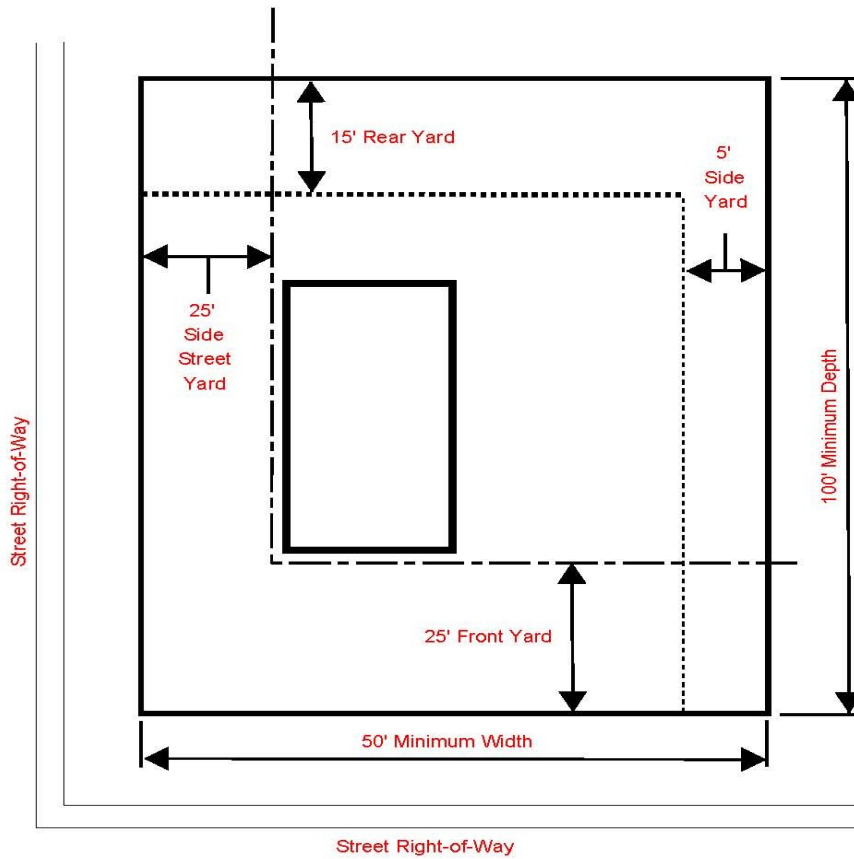
- quarters for recreational, camping, travel, or seasonal use. This term shall also include travel trailer, camping trailer, pickup camper or coach, and motor home.
- (4) **Skirting or Underpinning.** Shall be opaque material consisting of weather resistant material commonly sold for this application. There shall not be allowed any use of corrugated material such as tin or fiberglass panels. This skirting shall completely secure the underside of the structure and shall not be used for the containment of animals.
  - (5) **Space.** A plot of ground within a Manufactured Housing park designed for the accommodation of one mobile home or HUD-code manufactured home unit. This term shall also include the terms "lot," "stands" and "stall".
- J. Any Property developed within the "MH" district manufactured housing subdivision shall meet the following requirements:
- (1) HUD-Code Manufactured Homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation, all in accordance with manufacturer's specifications and applicable state and federal standards.
  - (2) HUD-Code Manufactured Homes must have a minimum of an eighteen-inch crawl space under all homes.
  - (3) A concrete surface with good drainage shall cover the area where a home is to be sited.
  - (4) Each HUD-Code Manufactured Home site shall have a slab or patio not less than twenty feet in length and nine feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site.
  - (5) HUD-Code Manufactured Homes shall have steps with a permanent foundation installed at all exits.
  - (6) Skirting shall be securely attached between the HUD-Code Manufactured home and the ground on all sides within thirty (30) days of home installation. Skirting materials shall consist of materials that are compatible with the design of the home and enhance its appearance. Unpainted or untreated corrugated metal or wood, screen or wire, fiberglass, or lattice-type skirting is prohibited. Additionally, no Certificate of Occupancy shall be issued until unit is completely skirted per these guidelines.
  - (7) Construction, setting, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each manufactured home shall have affixed a seal of the appropriate federal or state department.
  - (8) Sanitation, fire protection, and underground utility services shall be provided to each lot in accordance with all City ordinances and regulations.
  - (9) Driveways shall be constructed according to all adopted City regulations and codes pertaining to driveway construction and parking surfaces.
  - (10) Drainage and garbage collection right-of-way, fire lanes, and utility easements shall be provided as required by the City.
  - (11) Soil conditions, ground water level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents.

- (12) HUD-Code Manufactured Home subdivisions shall be developed at densities comparable to adjacent residential uses or shall have adequate landscape buffering or open space to provide transition of uses.
- (13) Any structural alteration or modification of a HUD-Code manufactured home after it is placed on the site is prohibited.
- (14) Each space is required to have it's own water and sewer connection.
- K. Underground Utilities – All utility lateral and service lines located within the “MH” district shall be installed underground.
- L. Open Space Area Required – Open space designated for the use and enjoyment of all residents shall be provided within a HUD-Code Manufactured Home subdivision at the ratio of five hundred (500) square feet for each of the first twenty (20) units, and two hundred (200) square feet for each additional unit in excess of twenty (20). Designated open space shall be developed and maintained for recreational and leisure activities and shall be located within the subdivision being developed.
- M. Screening – A solid opaque screening wall or fence of not less than eight (8) feet in height, measured at the highest finished grade, shall be provided along all perimeter property lines of a HUD-Code Manufactured Home subdivision which do not abut a dedicated street. Said screening wall or fence shall be masonry and of a decorative construction. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from adjacent uses, as determined by the City. However, any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.
- N. Preservation of Site-Assets – When developing a HUD-Code Manufactured Home Subdivision, the following steps shall be taken to preserve on-site assets:
  - (1) Suitable available topsoil and desirable existing trees;
  - (2) Shrubs and ground cover shall be preserved and protected where practicable;
  - (3) Topsoil, which is suitable and needed for later use in finished grading, shall be stripped from areas to be occupied by structures, parking areas, streets and driveways, and from areas to be re-graded or disturbed. This topsoil shall be collected and stored on the site in convenient places for future use and shall be free of debris during construction, and removed at the end of construction. No subdivision shall be accepted by the City prior to the removal of all excess topsoil from the premises.
- O. Drainage – Engineering plans for drainage shall be submitted for review by the City at the time of site plan approval. All applicable requirements of the City shall be met.
- P. HUD-Code Manufactured Home Sales – HUD-Code Manufactured Home subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are not permitted.

**TABLE 3.1.08.B1  
MANUFACTURED HOME DISTRICT (MH) BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (unit / lot)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	All Buildings and Impervious Surfaces	
5,000	1	50	100	25	5 Interior 25 Street	15	65%	35

**FIGURE 3.1.08.B2  
MANUFACTURED HOME DISTRICT (MH)  
MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**



### **3.1.09 [CA Central Area District Defined]**

- A. Purpose – The CA Central Area District is established to encourage mixed-use development within the downtown district of the City, while maintaining the unique historic character currently found within the district. This district is a pedestrian friendly district.
- B. Land Use
  - (1) Barber and beauty shops
  - (2) Business / Professional offices.
  - (3) Churches
  - (4) Municipal Buildings
  - (5) Public/Private Schools
  - (6) Public Utilities
  - (7) Public Parks
  - (8) Restaurants and eateries.
  - (9) Retail Shops/Boutiques
  - (10) Spas
  - (11) Single-family residential loft or studio apartment.
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.09.B.1
- D. Outdoor Activities or Uses – Commercial products may be displayed in the public rights-of-way on the sidewalk under the following conditions:
  - (1) A minimum of thirty-six (36) inches of clear space is provided for pedestrians.
  - (2) Any outside display must be cleared from the public right-of-way each day after business hours.
  - (3) Outdoor display can take place four (4) times per year, for a period of seven (7) or less consecutive calendar days, and allowing not less than sixty (60) calendar days between the block dates of said outdoor displays, unless display is associated with an approved public festival which will not count against block dates.
- E. Outdoor Seating – Business establishments may provide outdoor seating in public right-of-way on the sidewalks adjacent to their property upon a site plan approved by City Council indicating all proposed outdoor seating areas in relationship to the primary building.
- F. Refuse Facilities – All refuse containers of four (4) cubic yards or larger shall be gated and screened from view on all sides from all public right-of-ways and persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height. Additionally refuse containers and collection areas are to be maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility and/or container shall be located so as to provide safe and convenient pickup by refuse collection agencies, and be in compliance with all other city ordinances related to solid waste disposal and collection.
- G. Metal buildings are strictly prohibited.
- H. Eighty (80) percent of all sides fronting or facing a public street, alley, or right-of-way shall be covered in masonry. Excluding all windows and doors.

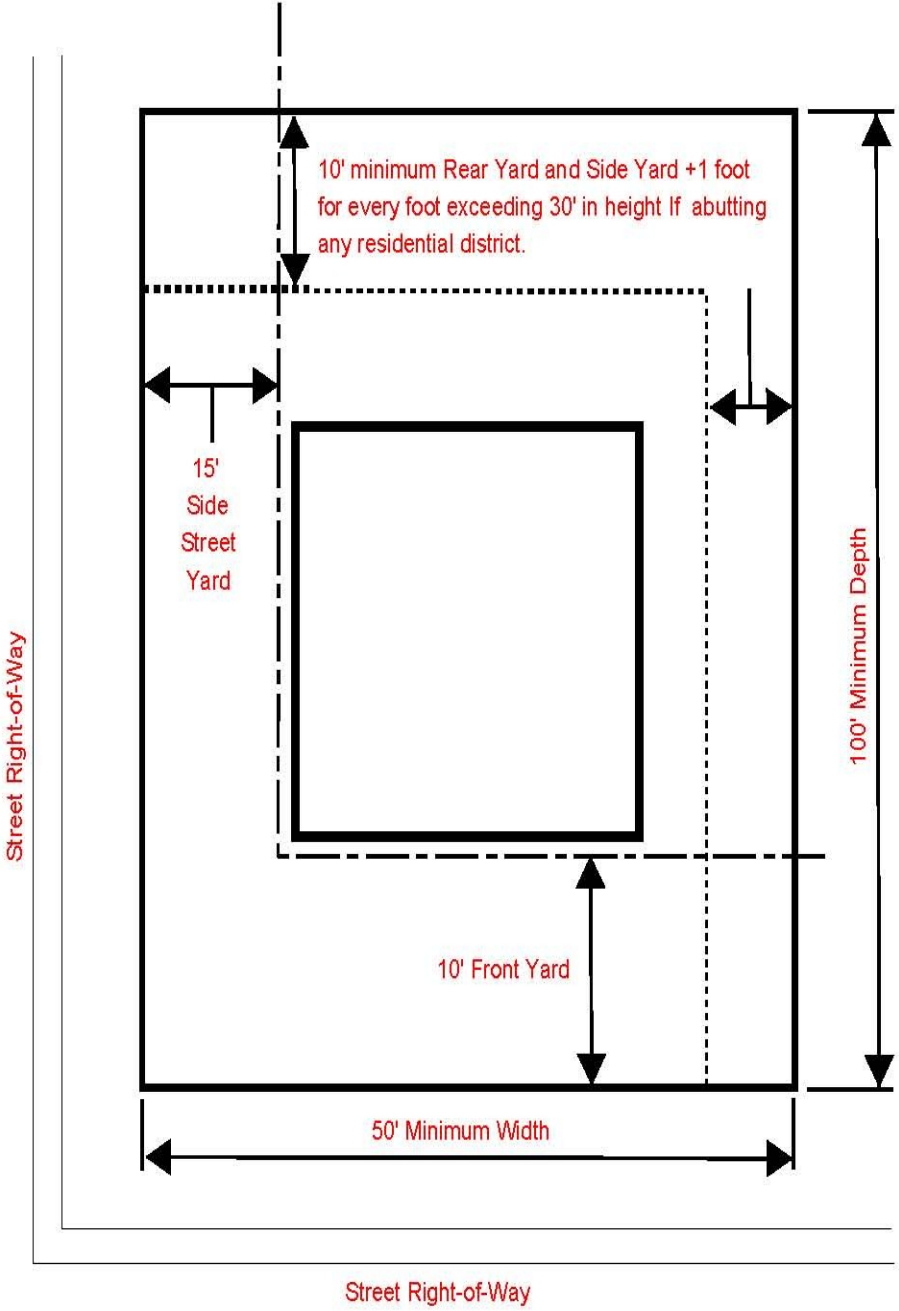
- I. Conversion of Residential Structures – All residential structures located within the CA district may be converted to a commercial use in accordance with the following conditions, providing that any and all signage be either monument or nameplate style signs.
- J. Concurrent use of Commercial and Residential Structures – All commercial structures may contain residential uses concurrent with the commercial use, providing that all residential uses shall be located on or above the second floor, from ground level, of the commercial structure.
- K. Existing Residential Uses – All legal and valid residential uses existing on the effective date of this ordinance within the Central Area District shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of this ordinance.
- L. Existing Zero Lot Line Uses – All legal and valid zero lot line uses existing on the effective date of this ordinance within the Central Area District shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of this ordinance.
- M. Cargo Containers – No cargo containers are allowed within the CA district.

**TABLE 3.1.09.B.1  
CENTRAL AREA DISTRICT (CA) BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet )	MAXIMUM DENSITY (unit / sq. ft.)	LOT DIMENSIONS		SETBACK REQUIREMENTS *			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum Street Yard	Minimum side yard	Minimum rear yard		
5,000	None	50	100	10	10 +1 for every foot of building height exceeding 30' if abutting any residential district	10 +1 for every foot of building height exceeding 30' if abutting any residential district	100%	45

*\* Existing zero lot line structures are addressed in Section 3.109.K*

**FIGURE 3.1.09.B.2  
CENTRAL AREA DISTRICT (CA)  
MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### 3.1.10 [C1 Restricted Commercial District Defined]

- A. Purpose – The C1 Restricted Commercial District is established to provide the necessary shopping, services, recreation, employment, and institutional facilities that are required and supported by the surrounding community, while maintaining the integrity of the district by restricting outdoor display and sales of merchandise.
- B. Land Use
- (1) Barber and beauty shops.
  - (2) Spas
  - (3) Business / Professional offices.
  - (4) Churches
  - (5) Convalescent or rest homes.
  - (6) Dressmaking, tailor shops, shoe repair shops and similar shops.
  - (7) Hospitals other than veterinary.
  - (8) Restaurants and eateries.
  - (9) Religious, educational and philanthropic institutions, but not animal care.
  - (10) Retail sales, excluding automobiles, trucks, motorcycles, farm machinery and equipment, building materials and agricultural and farm supplies, and subject to the following conditions.
    - a. That all uses or activities be conducted wholly within an enclosed building.
    - b. That yards not be used for display, sale, or for storage of vehicles, equipment, containers or waste materials, with the exception of approved City of Gainesville dumpsters and receptacles.
    - c. That such use not be objectionable because of odor, excessive light, vapor, dust, steam or other airborne material, pollutants, presence of vermin or rodents, or similar nuisances.
    - d. Any and all businesses requiring a license issued by the Texas Commission on Environmental Quality (TCEQ) are strictly prohibited.
  - (11) Studies [studios] of artist and photographers.
  - (12) Telephone exchange.
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.10.B1.
- D. Outdoor Activities or Uses – Outdoor activity or uses shall be permitted within this zoning district under the following conditions:
- (1) A minimum of thirty-six (36) inches of clear space is provided for pedestrians.
  - (2) Any outside display must be cleared from the public right-of-way each day after business hours.
  - (3) Outdoor display can take place four (4) times per year, for a period of seven (7) or less consecutive calendar days, and allowing not less than sixty (60) calendar days between the block dates of said outdoor displays, unless display is associated with an approved public festival which will not count against block dates.
- E. No Structure or part of structure shall have in excess of twenty (20) percent of the floor area of the structure used for storage or warehousing; all articles, merchandise, or commodities stored upon a premises shall be sold at retail or fabricated upon the premises.

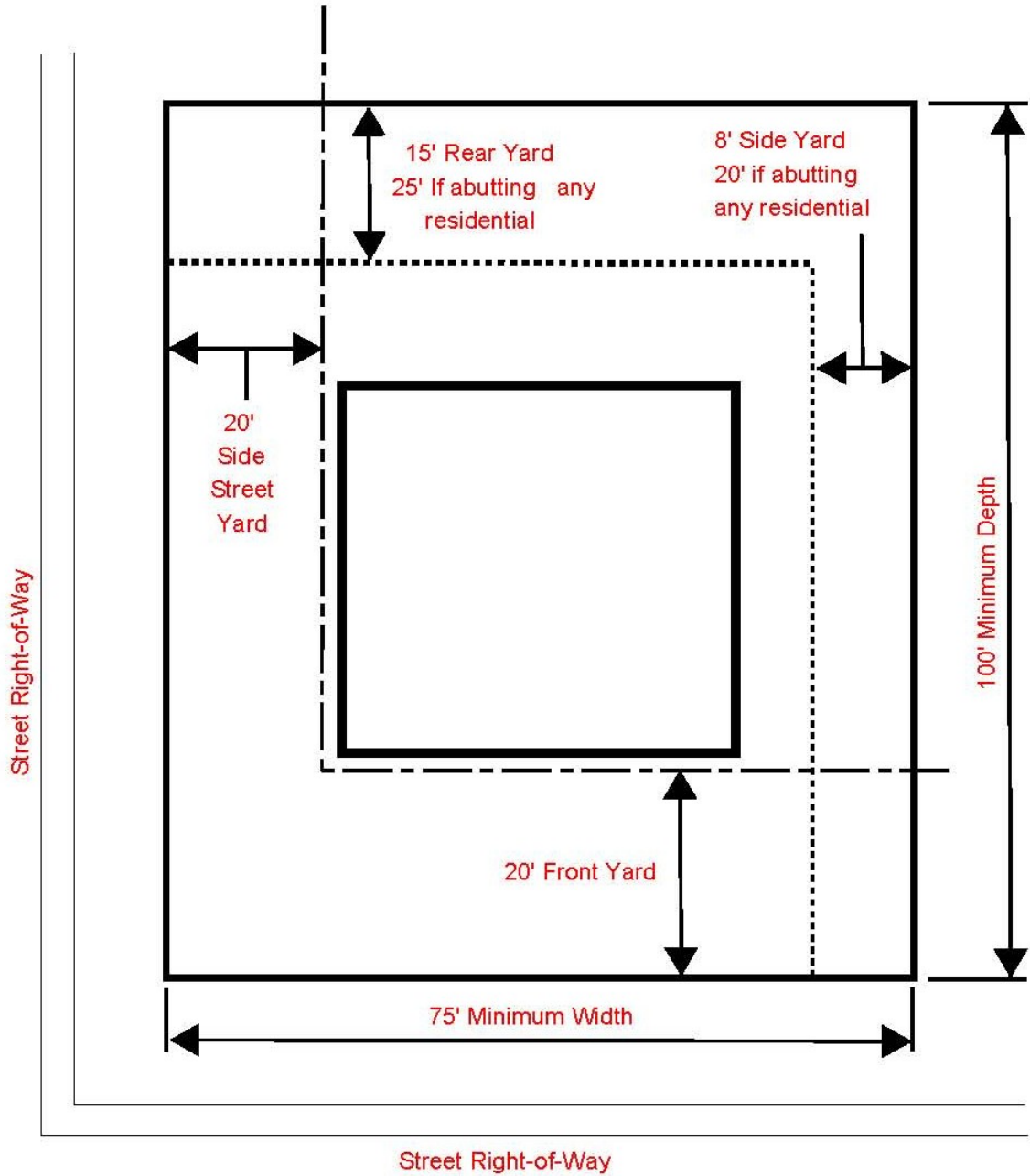
- F. Refuse Facilities-All refuse containers over four (4) cubic yards shall be gated and screened from view on all sides from all public right-of-ways and persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height. Additionally refuse containers and collection areas are to be maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility and/or container shall be located so as to provide safe and convenient pickup by refuse collection agencies, and be in compliance with all other City ordinances related to solid waste disposal and collection.
- G. Metal and steel buildings are prohibited.
- H. Eighty (80) percent of all sides fronting or facing a public street, alley, or right-of-way shall be covered in masonry. Excluding all windows and doors.
- I. Existing Residential Uses – All legal and valid residential uses existing on the effective date of this ordinance within the Restricted Commercial District shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of this ordinance.
- J. Existing Zero Lot Line Commercial Uses – All legal and valid zero lot line commercial uses existing on the effective date of this ordinance within the Restricted Commercial District shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of this ordinance.
- K. Cargo Containers – No cargo containers are allowed within the C1 district.

**TABLE 3.1.10.B1  
RESTRICTED COMMERCIAL DISTRICT (C1)  
BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (unit / sq. ft.)	LOT DIMENSIONS		SETBACK REQUIREMENTS*			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum Street Yard	Minimum side yard	Minimum rear yard		
7,500	None	75	100	20 Front 20 Side	8 Interior 20 Street yard or if abutting any residential district	15 25 if abutting any residential district	100%	45

*\* Existing zero lot line structures are addressed in Section 3.110.P*

**FIGURE 3.1.10.B2**  
**RESTRICTED COMMERCIAL DISTRICT (C1)**  
**DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### **3.1.11 [C2 General Commercial District Defined]**

- A. Purpose – The C2 General Commercial District is established to provide the necessary shopping, services, recreation, employment, and institutional facilities that are required and supported by the surrounding community, and allowing for moderate outdoor display and sales of merchandise.
- B. Land Use
- (1) Any use permitted in the C1 district.
  - (2) Assisted Living Facilities / Convalescent Homes.
  - (3) Auction rooms.
  - (4) Auto body operations.
  - (5) Automobile accessory stores.
  - (6) Automobile service facilities.
  - (7) Automobile washes.
  - (8) Bus terminals.
  - (9) Catering establishments.
  - (10) Cleaning and dyeing facilities.
  - (11) Commercial recreation uses.
  - (12) Department stores.
  - (13) Drive-in eating establishments.
  - (14) Employment agencies.
  - (15) Existing residential dwelling units and lodging uses as such on the effective date of this ordinance.
  - (16) Exterminating shops.
  - (17) Floor covering sales and installation.
  - (18) Fraternal / Philanthropic uses.
  - (19) Furniture shops.
  - (20) Health club.
  - (21) Home improvement stores.
  - (22) Hotels / Motels.
  - (23) Household appliance shop.
  - (24) Interior decorating shops.
  - (25) Laboratories for research, development, and testing.
  - (26) Laundries.
  - (27) Locksmith shops.
  - (28) Meat markets.
  - (29) Mortuaries / Crematoriums.
  - (30) Musical stores.
  - (31) Office supply stores.
  - (32) Medical appliance and supply stores.
  - (33) Other retail and wholesale sales, rental and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property, but not including any of the following uses:
    - a. Any use permitted only in the I industrial district.

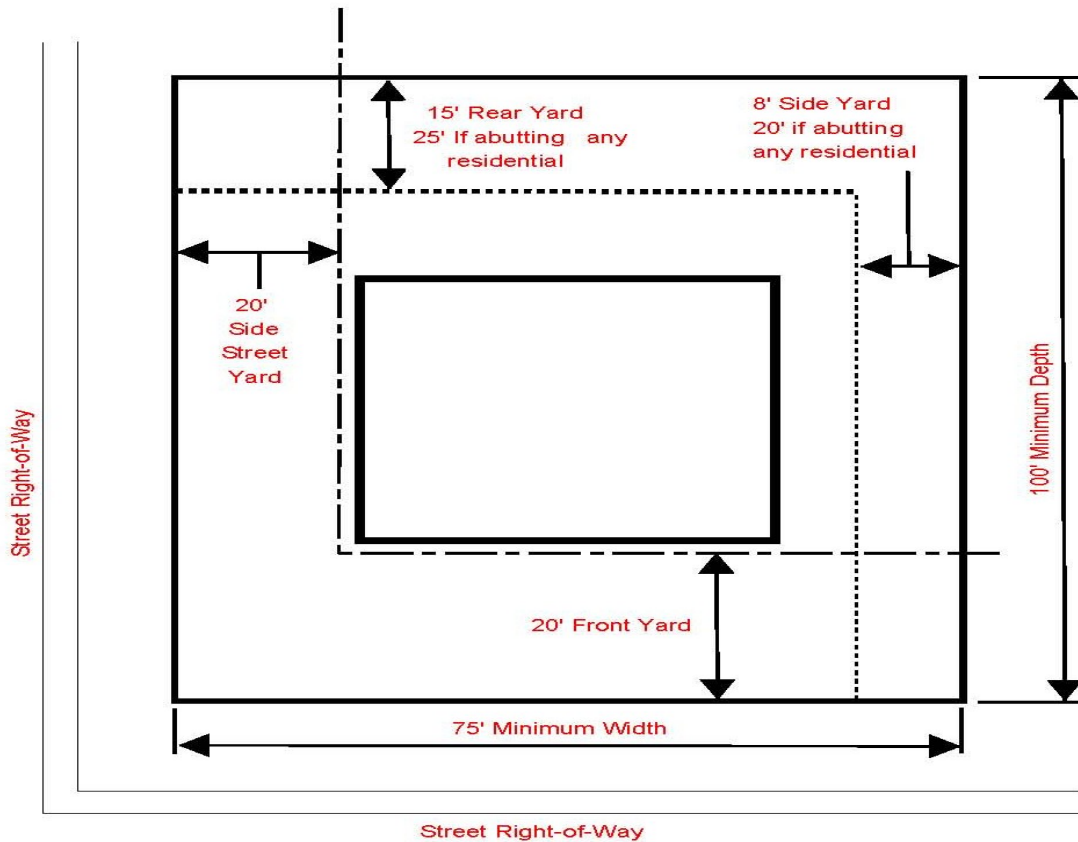
- b. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (34) Painters and plumbers shops.
- (35) Pawnshops.
- (36) Physical culture and health services and reducing salons.
- (37) Printer.
- (38) Repair garages except that vehicles or equipment shall not be parked within the public right-of-way, and must be behind a screening fence.
- (39) Schools for music, dance, business or trade.
- (40) Taxidermist
- (41) Theaters, lodges, assembly halls, auditoriums, and clubs.
- (42) Tire repair shops.
- (43) Travel bureaus and transportation ticket offices.
- (44) Upholstery shops.
- (45) Veterinary services for the care and temporary boarding, within an enclosed building, of domestic household pets.
- (46) The assembly of goods from previously processed or fabricated materials and the warehousing of these goods. Such uses shall be in conjunction with permitted commercial sales and service uses, shall be conducted wholly within a building, and there shall be no storage of hazardous materials. Such uses shall not emit any vibration, noise, dust, glare, heat, smoke or odor that is detectable beyond the lot on which the use is located.
- (47) Sanitariums
- (48) Storage of rental trucks and trailers, except that vehicles or equipment shall not be parked within the public right-of-way, and must be behind a screening fence.
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.11.B1
- D. All businesses, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings except as otherwise provided. No inoperative motor vehicle shall be permitted outside the business building unless;
  - (1) located in rear yard, and
  - (2) screened by a fence at least six (6) feet in height and at least eighty (80) percent opaque.
- E. No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building except for incidental display of sale or seasonal retail items and such incidental display shall be permitted only if it occupies no more than five (5) percent of the total lot area.
- F. All metal buildings shall meet the following minimum requirements;
  - (1) Eighty (80) percent of all sides fronting or facing a public street, alley, or right-of-way, excluding all windows and doors, shall be covered in masonry.
  - (2) The building shall comply with all zoning and construction codes of the city.



**TABLE 3.1.11.B1  
GENERAL COMMERCIAL DISTRICT (C2)  
BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (unit / sq. ft.)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum Street Yard	Minimum side yard	Minimum rear yard		
7500	None	75	100	20	8 Interior 20 Street yard or if abutting any residential district	15 25 if abutting any residential district	80%	45

**FIGURE 3.1.11.B2  
GENERAL COMMERCIAL DISTRICT (C2)  
LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

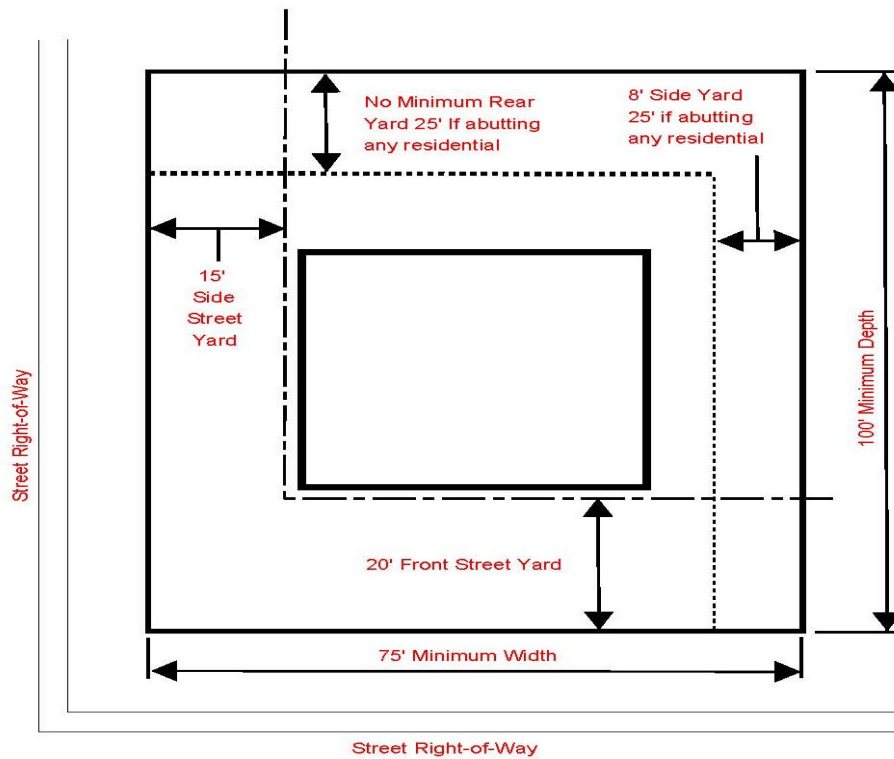
### **3.1.12 [C3 Outdoor Commercial District Defined]**

- A. Purpose – The C3 Outdoor Commercial District is established to provide the necessary shopping, services, recreation, employment, and institutional facilities that are required and supported by the surrounding community, and allowing for outdoor display and sales of merchandise.
- B. Land Use
  - (1) All uses permitted in C1 and C2 districts.
  - (2) Uses that entail outdoor facilities or display or sale of items for sale outside of a building, in excess of five (5) percent of the total lot area.
  - (3) Itinerate Vendors occupying or using mobile facilities without permanent utility connections are allowed to conduct business only in the C3 District, and shall do so under the following provisions;
    - a. Vendors are allowed one three (3) foot wide by four (4) foot tall sandwich board sign, or one banner not to exceed three (3) feet by five (5) feet. Such signs shall meet all requirements of the most currently adopted codes and ordinances regulating signage.
    - b. Only one vendor may occupy a single lot, or group of contiguous lots under common ownership.
  - (4) Mini-storage facilities.
- C. Bulk Regulations – The minimum area, setbacks, density and maximum height shall be as prescribed in Table 3.1.12.B1
- D. Additional Off-Street Parking and Loading Requirements – In addition to paved parking and driving areas, any parking or storage spaces for inoperable equipment or vehicles adjacent to an exterior yard or visible from an exterior yard shall be screened by a solid wall or fence not less than six feet in height at the building line.
- E. Additional Landscaping Requirements – At least ten (10) percent of the lot, in front of the building line shall be maintained in landscaped open area. If all of a portion of the parkway is maintained in landscaped open area, such landscaped portion will reduce the amount of landscaped area on the lot at a rate of two (2) square feet of landscaped parkway area for each required one (1) square foot of landscaping on the lot.
- F. All metal buildings shall meet the following minimum requirements;
  - (1) Fifty (50) percent of all sides fronting or facing a public street, alley, or right-of-way, excluding windows and doors, shall be covered in masonry.
  - (2) The building shall comply with all zoning and construction codes of the city.

**TABLE 3.1.12.B1  
OUTDOOR COMMERCIAL DISTRICT (C3)  
BULK REGULATIONS  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (unit / sq. ft.)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum Street Yard	Minimum side yard	Minimum rear yard		
7500	None	75	100	20 Front 15 Side	8 Interior 15 Street yard or 25 if abutting any residential district	25 if abutting any residential district	80%	45

**FIGURE 3.1.12.B2  
OUTDOOR COMMERCIAL DISTRICT (C3)  
LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### **3.1.13 [I Industrial District Defined]**

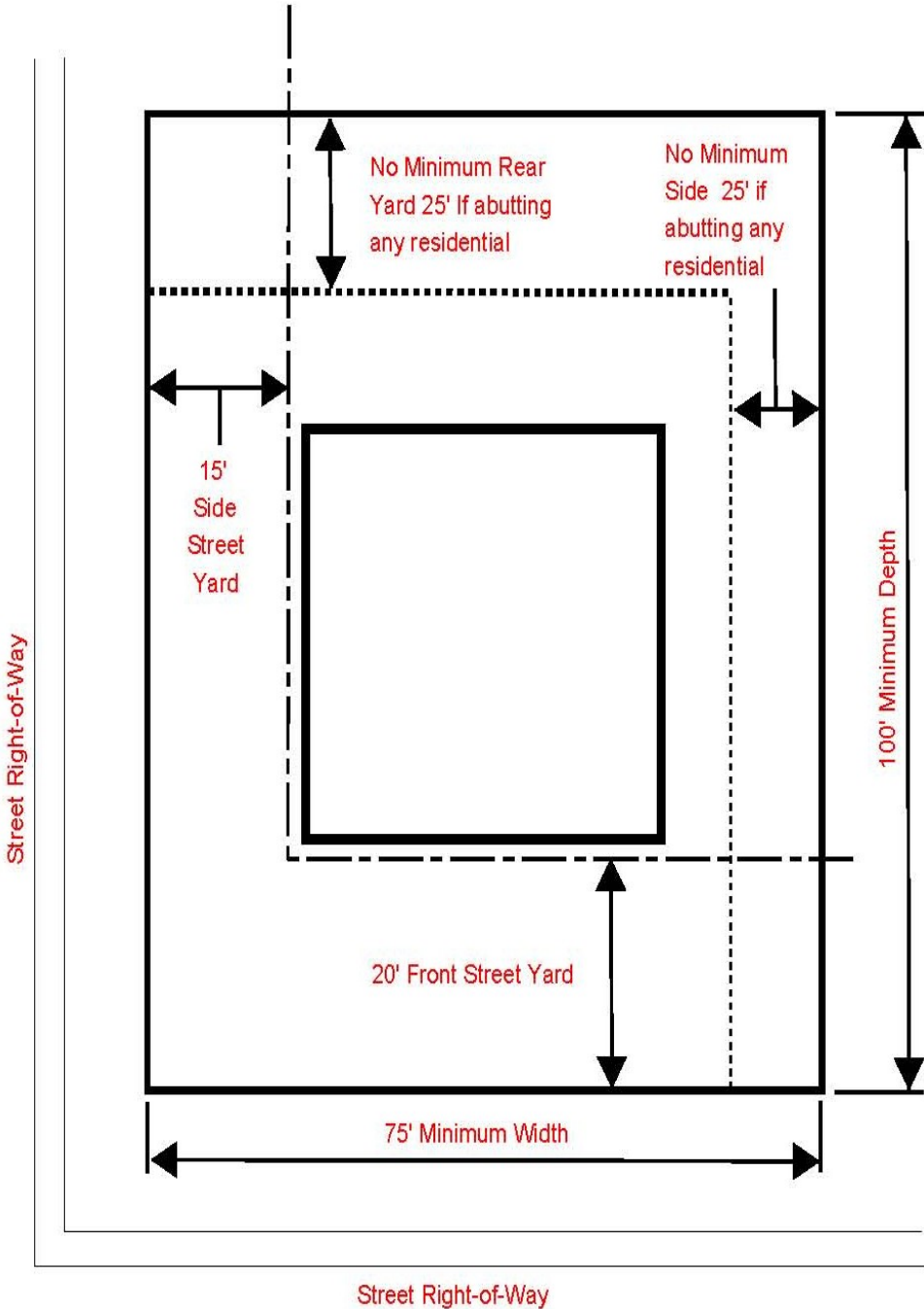
- A. Purpose – The I Industrial District is established to provide locations for a variety of work processes and employment such as manufacturing, warehousing, distribution, indoor and outdoor storage, and a wide range of commercial and industrial operations.
- B. Land Use
  - (1) Any use permitted in C2 or C3 districts, excluding the following;
    - a. Those uses specifically stated as C1,
    - b. Assisted living / convalescent centers,
    - c. Itinerate vendors.
  - (2) Assembly and miscellaneous processing of goods.
  - (3) Display rooms.
  - (4) Beverage canning, bottling, manufacturing, or processing.
  - (5) Garage: public, private or repair.
  - (6) Manufacturing, fabricating.
  - (7) Mini-storage
  - (8) Public buildings.
  - (9) Terminal: truck or bus.
  - (10) Warehouses
  - (11) Wholesale distributors and retail sales of products made on the premises, or items incidental or related to those products.
- C. Prohibited Industrial Uses
  - (1) Any manufacturing or industrial use that is obnoxious or offensive by reason of emission of odor, dust (excluding dust generated by the normal use of parking lots and drives), smoke, gas, noise or pollutants to the air, water, or land, or which will be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare.
  - (2) Distillation of bones.
  - (3) Explosive manufacturing or storage.
  - (4) Fat rendering.
  - (5) Garbage, offal, reduction or dumping.
  - (6) Junkyards.
  - (7) Petroleum refinery.
  - (8) Animal slaughter and dressing.
  - (9) Commercial Stables
- D. Council Authorization Required for Certain Industrial Uses-The following industrial uses are not permitted except by authorization of the City Council following the submission of a Site Plan in accordance with guidelines of 3.11.02 [Site Plans].
  - (1) Animal incineration
  - (2) Automobile wrecking yards or towing service facilities.
  - (3) Drilling or mining geologic resources.
  - (4) Feed and grain elevators and processing.

- (5) Food canning, manufacturing, or processing.
  - (6) Fertilizer plants
  - (7) Foundries
  - (8) Livestock yards
  - (9) Wholesale storage of gasoline or other petroleum products above ground in carload lots or more.
- E. Bulk Regulations – The minimum area, setbacks, density shall be as prescribed in Table 3.1.13.B1
- F. Additional Off-Street Parking and Loading Requirements – No inoperative equipment or vehicle shall be stored or parked in a required yard. Any parking or storage spaces for such equipment or vehicles adjacent to an exterior yard or visible from an exterior yard shall be screened by a solid wall or fence not less than six (6) feet in height that is eighty (80) percent opaque.
- G. When abutting a residential district, or a site with a primary residential use, a site plan shall be required.

**TABLE 3.1.13.B1  
INDUSTRIAL DISTRICT (I)  
BULK REGULATIONS FOR TWO FAMILY STRUCTURES  
(in feet, unless noted otherwise)**

MINIMUM LOT AREA (Square Feet)	MAXIMUM DENSITY (unit / sq. ft.)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT
		Minimum lot width	Minimum lot depth	Minimum Street Yard	Minimum side yard	Minimum rear yard		
7500	None	75	100	20 Front 15 Side	25 if abutting any residential district	25 if abutting any residential district	80%	45

**FIGURE 3.1.13.B2  
INDUSTRIAL DISTRICT (I)  
MINIMUM LOT DIMENSIONS & SETBACKS**



*\*Drawing Not To Scale\**

### 3.1.14 [PD Planned Development District Defined]

- A. General Purpose and Description – The Planned Development District “PD” is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit flexibility in the use and design of land and buildings in situations where modifications of specific provisions of this ordinance is not contradictory to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions that will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.
- B. Land Use – Any use specified in the adopted ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.
- C. General Regulations
  - (1) Area Requirements – The PD district shall have at least three (3) acres for any mixed use non-residential purposes, or a minimum of five (5) acres if the mixed use is to include residential uses.
  - (2) Maximum Coverage – Unless limited to a lower percentage by the base district or the site plan adopted by ordinance, no more than fifty (50) percent of the total area shall be covered by primary or accessory buildings.
  - (3) Yard Requirements – In PD districts combined with residential districts, the applicable yard requirements for the residential districts apply only to the total site, or to the platted blocks within a mixed-use site, zoned for residential use.
  - (4) Height Limitations – No building in the PD district shall exceed forty-five (45) feet in height unless a higher limit is approved by the City Council, and the approved height limit shall be stated within the ordinance approving the site plan.
  - (5) Utilities – All utility services shall be underground.
- D. Site Plan Requirements – A site plan approved by the council shall be a prerequisite to issuance of building permits and certificates of occupancy for any property in the district. A site plan approval request shall be heard concurrent with a zoning change request.
  - (1) Conceptual Site Plan – Prior to consideration of any site plan of a part of a larger tract under the same ownership which has been previously designated PD planned development, a conceptual site drawing shall also accompany any request for PD zoning not accompanied by a final site plan. The conceptual site drawing, as may be amended and approved by the council, shall become a part of such zone change and subsequent site plans shall conform thereto. Such conceptual site drawing shall contain at least the following:
    - a. A scaled drawing in which not less than one inch is one hundred (100) feet, showing dimensional boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
    - b. Elevation contours of at least ten-foot intervals;

- c. General location and description of existing utility services, including size of water and sewer mains;
  - d. Existing improvements proposed to be retained when the property is developed;
  - e. Un-dimensioned location and approximate size of proposed buildings;
  - f. Un-dimensioned drawings showing proposed access points, general location of parking and points of access;
  - g. All proposed uses and their location on the drawing;
  - h. Identifiable watercourses and low areas;
  - i. Proposed maximum height of buildings;
  - j. Proposed landscaped areas;
  - k. Height and elevation of all buildings.
- (2) Site Plan Approval – A request for a site plan approval shall be processed in accordance with the same review and hearing procedure as a proposal for a zoning district change.
  - (3) Modification of Site Plan – The commission may recommend and the council may require such modification of a conceptual site plan or a site plan as will permit the proposed project to exist harmoniously with existing and anticipated development of surrounding areas.
  - (4) Amendments – All site plans approved hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements as any other site plan would require for original approval.
- E. Site Plan Information – Every application for approval of a site plan under the terms of this district shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to ensure that the development will be compatible with existing and allowable development on adjacent property. The site plan shall show at least the following items of information:
- (1) The land area included with the site, the land area of all abutting sites and the zoning classification thereof, all public and private right-of-ways and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned;
  - (2) The proposed finished grade of the site, shown to contour intervals of not to exceed two (2) feet;
  - (3) A description of the proposed site and the boundaries thereof
  - (4) The location of each existing and each proposed structure on the site, the general category of use or uses to be contained therein, the number of stories, gross floor area, and the location of entrances and exits to buildings;
  - (5) The location of all on-site facilities for liquid and solid waste disposal;
  - (6) The location and width of all curb cuts and driving lanes;
  - (7) The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same;
  - (8) All pedestrian walks, malls and open areas for use by tenants or the public;
  - (9) The location and height of all walls, fences and screen planting, and landscaping;
  - (10) The location, size, height and orientation of all signs;
  - (11) The types of surfacing, such as paving, turf, or gravel, to be used at the various locations;



- (12) The location of fire hydrants;
- (13) Drainage plans and information as may be available to show that the development will not be adversely affected by flooding action;
- (14) Front building elevation sketch.

F. Public hearings required.

- (1) The planning and zoning commission shall conduct a public hearing, study and investigate the plan, and shall submit their recommendation to the council thereon within the 45 days after the submission of such plan to the planning and zoning commission.
- (2) The planning and zoning commission shall make a report and recommendation on the following:
- (3) Whether or not the plan complies with the regulations of this ordinance and all amendments thereto.
- (4) Whether or not the plan is in the best interest of the city.
- (5) The City Council, after reviewing the report and recommendations of the Planning and Zoning Commission shall hold a public hearing following the procedures outlined in Article 1 Section 1.12.01 of this ordinance. After the public hearing, the council may approve the plan with modifications if any or may reject the plan in its entirety. If the application and plans are approved with modifications and only upon receipt of the applicant's written consent to such modifications shall the plans be deemed approved.
- (6) Buildings may be erected and occupied and land may be used only in accordance with approved plans.
- (7) If the plans are disapproved, they may be revised and resubmitted following the same procedure as outlined for new plans.
- (8) The council may revoke its approval of the PD plan and may adopt a new zoning classification for the area of the Planned Development if substantial construction has not been started within one year of its approval.
- (9) The applicant may request an extension of the approval time by following the same procedure as outlined for amendments to the zoning ordinance.
- (10) Any application for approval of plans, amendments to plans, or extension of approval time shall be accompanied by the current Site Plan fee that has been adopted by the City Council.

G. Written Report May be Required – When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the City Council.

H. Planned Development to be Recorded – All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

## **SECTION 3.2 OVERLAY DISTRICTS**

The City Council by ordinance may, after public hearings and notifications in accordance with Section 1.12.01 of this ordinance, establish Overlay Districts. Overlay districts may provide for preservation of structures, establish architectural guidelines, landscaping guidelines, site details, or define appropriate uses within the Overlay District.

### **3.2.01 [HP Heritage Preservation Overlay District]**

The City Council hereby finds and declares as a matter of public policy that the protection, enhancement and use of districts within the City that exhibit the character of the City's early heritage is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the people, and thereby creates the HP Heritage Preservation Overlay District.

- A. The Heritage Preservation Overlay District – Shall currently cover all property located within the CA Central Area Zoning District.
- B. Heritage Preservation Design Standards – Any development, construction, reconstruction or rehabilitation that results in the modification of the exterior of any structure in any Heritage Preservation Overlay District shall be subject to any City of Gainesville regulations that govern Heritage Preservation Overlay Districts including any Heritage Preservation Design Standards.
- C. District Regulations and Requirements – The regulations as established in districts underlying the Heritage Preservation Overlay District shall apply unless otherwise modified in these district regulations or other regulations governing the Heritage Preservation Overlay District.

## **SECTION 3.3 SPECIAL USE PERMITS**

### **3.3.01 [Purpose]**

Certain land uses, because of their nature and location, are not appropriate for categorizing into installations. To provide for the proper handling and location of such specific uses, provision is made for amending this chapter to grant a permit for a specific use in a specific location. Uses listed in 3.3.03 may locate in certain zones under certain conditions by a special permit granted by the City Council after a report and recommendation by the Planning and Zoning Commission. After receiving an application for permit, the Planning and Zoning Commission shall hold a public hearing to determine the effect of such proposed use upon the neighborhood character, traffic, public utilities, public health, public safety, and general welfare. Such public hearing shall be substantially the same and notices shall be given in accordance with state statutes and city ordinances regulating the rezoning of property. After receiving the report and recommendation of the Planning and Zoning Commission, the City Council shall also hold a public hearing to be substantially the same required by state statute and city ordinance regulating the rezoning of property.

### 3.3.02 [Permit Required]

No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued by the City Council. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.

### 3.3.03 [Allowable Special Uses and Conditions]

<b>Use</b>	<b>Specific Conditions</b>	<b>District</b>
Bed and Breakfast	As prescribed by the Planning and Zoning Commission and approved by the City Council	SF2
In Home Childcare Ten (10) Children or Fewer	As prescribed by the Planning and Zoning Commission and approved by the City Council	SF-1 and SF-2
Electric Substation	As prescribed by the Planning and Zoning Commission and approved by the City Council	C2, C3, and I
Heliport	As prescribed by the Planning and Zoning Commission and approved by the City Council, and only with prior approval of the Civil Aeronautics Administration.	C2, C3, and I
Telecommunications Towers	As prescribed by the Planning and Zoning Commission and approved by City Council, and only with prior approval of the FCC.	All Districts
Model Homes Sales Office	As prescribed by the Planning and Zoning Commission and approved by City Council.	SF-1, SF-2 and MH

### **3.3.04 [Application Procedure]**

An application for a special permit shall be filed with the administrative official on a form provided by the city. The application shall be accompanied by the following:

- A. A completed application form signed by the property owner;
- B. An application fee as established by the city's latest adopted schedule of fees;
- C. A certificate stating that all city and school taxes have been paid to date;
- D. A property description of the area where the specific use permit is proposed to apply;
- E. A site plan complying with the requirements stated in this section which will become a part of the specific use permit, if approved; and
- F. Any other material and/or information as may be required by the Planning and Zoning Commission, the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the city.

### **3.3.05 [Site Plan Required]**

A site plan shall contain, at a minimum the following information, as provided in 3.11.02 [Site Plans]

### **3.3.06 [Additional Requirements]**

The following additional information may also be required if deemed appropriate by staff, the Planning and Zoning Commission, or City Council.

- A. Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility.
- B. Description of the present use, assessed value and actual value of the land affected by the proposed facility.
- C. Description of the proposed use, anticipated assessed value and supporting documentation.
- D. A description of any long-term plans or master plan for the future use or development of the property.
- E. A description of the applicant's ability to obtain needed easements to serve the proposed use.
- F. A description of any special construction requirements that may be necessary for any construction or development on the subject property.
- G. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required.

### **3.3.07 [Conditions of Approval]**

A special use permit shall not be recommended for approval by the Planning and Zoning Commission unless the Commission finds that all of the following conditions have been found to exist:

- A. The proposed use complies with all the requirements of the zoning district in which the property is located.
- B. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the city.
- C. The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.
- D. Adequate utilities, road access, drainage, and other necessary supporting facilities have been or shall be provided.
- E. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
- F. The issuance of the Special Use Permit does not impede the normal and orderly development and improvement of neighboring vacant property.
- G. The location, nature and height of buildings, structures, walls, and fences are not out of scale with the neighborhood. This does not include communication towers.
- H. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.
- I. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration, and visual blight.
- J. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties.
- K. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.
- L. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.
- M. The proposed use is in accordance with the City of Gainesville Comprehensive Land Use Plan.

### **3.3.08 [Council Action]**

The City Council may grant such a Special Use Permit only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area.

### **3.3.09 [Additional Conditions]**

In authorizing a Special Use Permit, the Planning and Zoning Commission may recommend, and the City Council may impose, additional reasonable conditions necessary to protect the public interest and the welfare of the community.

### **3.3.10 [Expiration]**

Special use permits shall expire at such time as prescribed by the City Council, at anytime conditions change, or upon staff recommendation.

### **3.3.11 [Time Limit]**

A Special Use Permit issued under this division shall become null and void unless construction or use is substantially underway within six months of the granting of the permit, unless an extension of time is approved the City Council.

### **3.3.12 [Revocation of Permit]**

Special Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

- A. The permit was obtained or extended by fraud or deception.
- B. One or more of the conditions imposed by the permit has not been met or has been violated.

### **3.3.13 [Amendments to Special Use Permits]**

The procedure for amending a Special Use Permit shall be the same as for a new application, provided the administrative official may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

## **SECTION 3.4 ACCESORY USES AND STRUCTURES**

### **3.4.01 [Accessory Buildings and Structures Are Regulated]**

No accessory building or structure, temporary or permanent, may be constructed or placed within the City of Gainesville without first obtaining a permit allowing for such construction or placement from the City. Application for said permit shall be filed on a form provided by the City, a plot plan per Section 3.11.01 [Plot Plans] shall be attached, and all fees shall be paid in full prior to the review and issuance of such permit.

### **3.4.02 [General Provisions for all Districts]**

Any accessory building or structure constructed or placed within any zoning district of the City of Gainesville shall meet the following criteria:

- B. Shall meet setback requirements as specified within the zoning districts, except as provided in section 3.4.02.F. In no case shall an accessory building be closer to the front property line than the main building.
- C. Shall not be established on any lot prior to the establishment of a principal use.

- D. Shall comply with all city codes including but not limited to electrical, plumbing, health, and sanitation.
- E. Shall not create any condition that is hazardous to the health and welfare of the public.
- F. No accessory building shall exceed the height of the main building, or thirty-five (35), whichever is less.
- G. An accessory building more than five (5) feet from a main building may be erected within three (3) feet of a side or rear lot line, but must be located at least sixty (60) feet from the front right-of-way, and shall not encroach onto any recorded easements.
- H. All accessory buildings exceeding one hundred (100) square feet of floor area must have roofs constructed to mimic the main structure in style and material. The pitch of the roof is not required to be identical to that of the principle structure. [Example: A principle structure with a composite shingled gable roof would require composite shingling and gable style roof on any accessory building or structure over one hundred (100) square feet, while the pitch of roof is at owners discretion.]
- I. Temporary buildings for construction are only permitted in any district during the course of construction.

### **3.4.03 [Residential Provisions]**

In additions to the provisions stated in Section 3.4.02, all accessory buildings or structures constructed or placed within Residential Zoning District shall meet the following additional requirements.

- A. The following accessory uses are permitted within residential districts, all others are strictly prohibited.
  - (1) Detached private garage.
  - (2) Nonpaying guesthouse or rooms for guests within an accessory building, provided such facilities are used only for the occasional and gratuitous housing of guests of the occupant of principal building and not for permanent occupancy by others as a dwelling unit.
  - (3) Sheds or tool rooms.
  - (4) Children's playhouses.
  - (5) Private greenhouses.
  - (6) Private tennis courts.
  - (7) Private swimming pools and pool houses.
- B. Residential accessory buildings may not occupy more than thirty (30) percent of the rear yard.
- C. No accessory building shall be erected within ten (10) feet of any other building, except detached residential garages may be located within five (5) feet of the main dwelling.
- D. All accessory buildings shall be built in the rear yard, except residential garages, which may be built in the side yard. All garages in the side yard are required to respect the building setback.
- E. No detached residential garage or carport shall be erected or placed closer to any

- street or alley right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.
- F. No accessory building over one hundred (100) square feet shall have a metal veneer.
  - G. Pre-fabricated metal or steel carports are strictly prohibited in all residential zoning districts and shall not be permitted.

#### **3.4.04 [Commercial and Industrial Provisions]**

In additions to the provisions stated in Section 3.4.02, all accessory buildings or structures constructed or placed within Commercial or Industrial Zoning Districts shall meet the following additional requirements.

- A. Shall have express written permission of the property owner if the property is not owned by permit applicant;
- B. All accessory buildings and garages exceeding one hundred (100) square feet of floor area must mimic the architectural style of the principle structure including rooflines, pitch, construction materials, and colors.

#### **3.4.05 [Temporary Uses]**

- A. In C2, C3 and I districts there may be any temporary commercial use authorized herein:
  - (1) Shall obtain a building permit from the City of Gainesville prior to locating on any property. Permit shall be for ninety (90) days with allowance for one ninety (90) day renewal within a twelve (12) month period. Permit fee shall be established by the City Council for first ninety (90) day permit and no fee shall be charged for the renewal permit.
  - (2) Shall have the express written permission of the property owner if the property is not owned by permit applicant.
  - (3) Shall meet setback requirements as specified within the zoning districts or if the principal building is a nonconforming use, as to setbacks, the temporary commercial building shall not encroach into the required yard(s) any more than the existing principal building.
  - (4) Shall not be established on any lot prior to the establishment of a principal use.
  - (5) Shall comply with all city codes including but not limited to electrical, plumbing, health, and sanitation, or shall provide for proper electrical and water service, disposal of solid waste and sewage meeting city approval.
  - (6) Shall not create any conditions that are hazardous to the health and welfare of the public.
  - (7) Nonprofit, charitable, and uses not exceeding seventy-two (72) hours shall be exempt from numbers 1,3, and 4 of subsection A, and may be granted one additional seventy-two (72) hour period for operation, by the City Manager or his/her designee.



### **Section 3.4.06 [Cargo Containers]**

- A. It is recognized that uncontrolled storage and placement of cargo containers may detract from the value of adjacent property, discourage commerce, and negatively impact the aesthetic quality of non-residential property and adjacent residential property. The purpose of this section is to provide for regulations that protect the value of property and enhance the appearance, health, safety, and welfare of the City.
- B. There shall be no existing non-conforming status applied to cargo containers. All uses made non-conforming by the passage of this ordinance must be brought into compliance, or removed, no more than ninety (90) days after this ordinance's adoption.
- C. General Regulations
  - (1) Cargo containers shall not be placed on public streets, nor shall they be placed within twenty (20) feet of any public street or right-of way.
  - (2) Cargo containers in residential districts may be permitted for a period of thirty (30) days under the following conditions:
    - a. A permit must be issued for the container.
    - b. A container may be placed on site only once per year, unless there is a change of ownership.
  - (3) Only one cargo container shall be permitted on any site in the SF-1, SF-2, and MH districts.
  - (4) Cargo containers located in all zoning districts shall be located on an improved gravel surface, concrete, concrete pavers, or asphalt.
  - (5) Cargo containers located in the SF-1, SF-2, MF-1, and MH zoning districts shall not exceed sixteen (16) feet in length, eight (8) feet in width, and eight-and-one-half (8.5) feet in height.
  - (6) Cargo containers shall not be stacked in any zoning district with the exception of the I- Industrial zoning district and at such time shall not be stacked higher than two (2) containers.
  - (7) Cargo containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities, or landscape areas for the site.
  - (8) Cargo containers shall be placed in a location that minimizes visual impact from surrounding streets and properties. For any site containing more than four cargo containers, a location plan shall be submitted and approved by the City manager or his/her designee prior to locating the cargo containers on site. At such time all cargo containers shall be subject to the location plan.
  - (9) Any cargo container located within one-hundred (100) feet of a residential zoning district shall be no greater in size than eight (8) feet in width, sixteen (16) feet in depth, and eight-and-a-half (8.5) feet in height. No cargo container may be stacked within one hundred (100) feet of a residential district.
  - (10) Cargo containers shall not be used for a primary use.
  - (11) Cargo containers located in any non-residential zoning district shall not exceed a size of ten (10) feet in height, ten (10) feet in width, and thirty (30) feet in length, unless approved by the City Council upon

- recommendation of the Planning and Zoning Commission.
- (12) Areas utilized by permanent cargo containers shall be included in the square foot requirement as a storage use and shall be used when calculating required number of parking spaces as set forth in Section 3.7 [Parking and Loading Requirements].
  - (13) The quantity of cargo containers located in the C3, and I zoning districts, shall be determined by the total aggregate square foot of principal buildings according to the following rate:
    - a. One container for 0 to 35,000 sq. ft of principle building
    - b. Two containers for 35,001 sq. ft — 70,000 sq. ft of principle building
    - c. Three containers for 70,001 sq. ft. — 105,000 sq. ft of principle building
    - d. Four containers for 105,001 sq. ft. — 140,000 sq. ft of principle building
    - e. Five containers for 140,001 sq. ft. — 175,000 sq. ft of principle building
    - f. Six containers for 175,501 sq. ft. — 210,000 sq. ft of principle building
    - g. Over 210,100 sq. ft of principle building, one additional container for every 40,000 sq. ft of principle building.
  - (14) Cargo containers located within I zoning district may exceed the above listed quantities upon approval of a detailed site plan showing the proposed location and quantity of cargo containers.
  - (15) Semi-truck trailers shall not be used in lieu of cargo containers.
  - (16) Cargo containers shall not be used as signage, furthermore, no signage may be attached to a cargo container.

## **SECTION 3.5 SCREENING WALLS AND FENCES**

### **3.5.01 [Screening Walls and Fences]**

- A. Permit Required – No fence shall be erected without a fence permit.
- B. Plot Plan Required – A plot plan, per Section 3.11.01 [Plot Plan], is required for the construction of any new fence.
- C. Screening Fence Required – A permanent screening fence of not less than six (6) feet, nor more than eight (8) feet in height, shall be required between property zoned commercial or industrial which abuts any property zoned residential.
  - (1) If a rezoning request creates a situation wherein residential and commercial or industrial zoned properties abut, the rezoning applicant and successors shall be required to construct and permanently and adequately maintain the fence.
  - (2) If commercial or industrial construction is to occur on property that abuts undeveloped property, the screening fence shall be constructed and permanently and adequately maintained by the owner of the commercial or industrial zoned property.
  - (3) If construction is to occur on property that abuts previously developed property, the screening fence shall be constructed and permanently and adequately maintained by the applicant then requesting a building permit.
  - (4) Such screening fence shall be erected along the entire length of the common line between such property, or on the property required to erect screening, but shall in no case obstruct Lot Visibility as defined and explained in Section

3.1.02 [Lot Visibility].

- (5) No fence shall be required for schools, churches, and public buildings.
  - (6) The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous screening wall or fence. Furthermore, there shall be no non-conforming relief for salvage yard screening and all uses made non-conforming by the passage of this ordinance must be brought into compliance no more than ninety (90) days after this ordinance's adoption.
- D. Safety – No wall or fence shall be constructed or maintained in such a manner as would endanger the health or safety of the general public. Fences constructed of barbed wire, razor wire, and walls topped with broken glass or surfaced with like material shall be prohibited; except fences surrounding public facilities/utilities and security fences of not less than six (6) feet in height in C3 and I zones may be topped by barbed wire. No electric fence shall be permitted except where provided for the actual enclosure of farm animals in any district zoned Agriculture. Such fence shall be posted at least once along each boundary line and at intervals of not more than one hundred (100) feet warning persons of the existence of said electric fence. Furthermore, there shall be no non-conforming relief for razor wire and all uses made non-conforming by the passage of this ordinance must be brought into compliance no more than ninety (90) days after this ordinance's adoption.
- E. Construction – Unless otherwise provided for herein, a screening wall or fence required under the provisions of this section shall be constructed
- (1) Of the following materials.
    - a. A permanent, solid masonry material.
    - b. Treated, or decay resistant wood fencing material.
    - c. Vinyl fencing material.
  - (2) Such wall or fence shall not contain openings constituting more than forty (40) square inches in each one (1) square foot of wall, or fence surface, and the surface of such wall or fence shall constitute a visual barrier.
  - (3) All wall or fence openings shall be equipped with gates compatible in height and screening characteristics to the wall or fence.
  - (4) Decorative fence and/or landscape screening shall be used in cases where the Planning and Zoning Commission finds this requirement to be better for the location. In such case, the City Manager or his/her designee must approve a landscape plan prior to any construction. The plan is required to provide a schematic drawing with a one (1) inch to twenty (20) feet scale. A list of plants, mature height and width of plants, and minimum recommended spacing for each plant that will be used to meet the minimum standards for screening shall be provided with the permit application. The landscape screening shall contain at minimum:
    - a. Evergreen trees with a minimum diameter of two (2) inches and a minimum height of ten (10) feet from the ground to the top of the tree (after planting) shall be planted at a minimum of every forty (40) feet. Trees must be from a species that have a mature height of at least twenty (20) feet tall.
    - b. Evergreen shrubs with a minimum height of two (2) feet (after planting) must be planted between the required trees starting with a maximum

spacing of five feet from the trees and then spaced at the minimum spacing requirement for that species of plant. Shrubs must be from a species that has a mature height of at least four (4) feet.

- (5) Decorative fence and/or landscape screening shall be used in cases where the City Manager or his/her designee finds this requirement to be better for the location. In such case, the City Manager or his/her designee must approve a landscape plan prior to any construction. The plan is required to provide a schematic drawing with a one (1) inch to twenty (20) feet scale. A list of plants, mature height and width of plants, and minimum recommended spacing for each plant that will be used to meet the minimum standards for screening shall be provided with the permit application. The landscape screening shall contain at minimum:
  - a. Evergreen trees with a minimum diameter of two (2) inches and a minimum height of ten (10) feet from the ground to the top of the tree (after planting) shall be planted at a minimum of every forty (40) feet. Trees must be from a species that have a mature height of at least twenty (20) feet tall.
  - b. Evergreen shrubs with a minimum height of two (2) feet (after planting) must be planted between the required trees starting with a maximum spacing of five feet from the trees and then spaced at the minimum spacing requirement for that species of plant. Shrubs must be from a species that has a mature height of at least four (4) feet.
- F. Height. Walls and fences hereafter constructed on property used for or restricted to residential uses shall be no greater than eight (8) feet in height, subject to the following limitations:
  - (1) The height of a wall or fence shall be the vertical distance between the ground and the top of the fence. In terrain where ground slopes at a grade of ten (10) percent or more, the fence or wall may be built in ten (10) foot horizontal stair-step sections; the average height of each such section shall comply with the height regulations set forth herein.
  - (2) No wall or fence shall be located in a required front exterior yard other than a decorative fence that shall have a height of no more than four (4) feet. Multifamily developments are exempt from this requirement.
  - (3) No wall or fence located on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed within this ordinance.
  - (4) Retaining walls shall be permitted for the purpose of protecting property against sliding earth or accidental injury to human life. The height of a retaining wall shall be determined according to accepted engineering principles, and the design shall be approved by the City Manager or his/her designee. A fence erected on top of a retaining wall shall be subject to the height limitations above, measured from the high side of the wall.
  - (5) When two adjoining corner lots are situated so that their lot fronts face parallel streets, and so that the side exterior yard of one is a continuation of the side exterior yard of the other, such side exterior yard on both lots may be enclosed by a wall or fence having a maximum height above grade of six (6) feet to the rear of the side exterior yard on each lot. Such fence shall be

- located no closer than five (5) foot of the right-of-way of adjacent street.
- (6) When a corner lot is so situated that its rear interior lot line is common to a side interior lot line of an adjoining lot which fronts on the side street of the corner lot, fence or wall heights and location for the rear lot line shall be the same as applicable regulations for the adjoining lot.
  - G. No screening element of solid construction such as brick, masonry, concrete or solid metal, shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage-way within easements reserved therefore.
  - H. No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements, or floodway.

## **SECTION 3.6 LANDSCAPING AND TREE PRESERVATION**

### **3.6.01 [Landscaping]**

- A. Purpose – It is the purpose of this sub-section to establish certain regulations pertaining to landscaping within the City. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:
  - (1) Promote the value of property, enhance the welfare, and improve the physical appearance of the City;
  - (2) Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and
  - (3) Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to air purification, oxygen regeneration, groundwater recharge, abatement of noise, reduction of heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. These landscape regulations establish requirements in the MF-2, C1, C2, C3 and I, zoning districts.
  - (1) All new residential development shall conform only to the requirements set forth in "E", Residential Uses, of this Section.
  - (2) Non-residential uses located within the A, SF-1, SF-2, MF-1, and MH zoning districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.
  - (3) For new construction completed in December, January or February, landscaping may be completed within ninety (90) days of construction without penalty.
- C. Events Causing Compliance – Land uses not previously subject to landscaping requirements may be required to comply with this section upon the occurrence of one of the following events:
  - (1) A change in zoning;
  - (2) Requirement of landscaping as conditions of a Special Use Permit;

- (3) Issuance of a building permit; or
  - (4) Loss of legal non-conforming status.
- D. Landscape installation required
- (1) Landscaping which consists of grass only will require twenty (20) percent of the total area to be landscaped.
  - (2) Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants, in addition to grass, may require that only fifteen (15) percent of the total lot area be landscaped with approval of the City Manager or his/her designee.
  - (3) Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.
- E. New residential development shall be required to locate a minimum of two (2) trees on the developed lot of which at least one tree must be placed in the front yard. The size of such trees shall be a minimum of two (2) inches in caliper. For new construction completed in December, January or February, landscaping may be completed within ninety (90) days of construction without penalty.
- F. Landscape Plan Required-A landscape plan for all new development and must meet the following criteria:
- (1) The landscape plan may be prepared by the applicant, or his/her designee. The landscape plan is not required to be prepared by a registered or certified professional.
  - (2) A landscaping plan shall be submitted to the city for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit.
  - (3) The landscape plan shall contain the following information:
    - a. Drawn to scale; Minimum scale of one (1) inch equal fifty (50) feet;
    - b. Location of all trees to be preserved, method of preservation during the construction phase of development
    - c. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
    - d. Species of all plant material to be used;
    - e. Size of all plant material to be used;
    - f. Spacing of plant material where appropriate;
    - g. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
    - h. Description of maintenance provisions of the landscape plan;
    - i. Persons responsible for the preparation of the landscape plan.
- G. Location Criteria
- (1) Not less than forty (40) percent of the total landscaping shall be located in the designated front yard.
  - (2) In the I zoning district the rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing required landscaping requirement has been met on the lot.

- (3) All landscape material shall comply with visibility requirements of this ordinance.
- H. Any xeriscaped area shall be clearly located and detailed on the site plan. In addition, the xeriscape methodology shall be detailed on the site plan.
- I. A flowering bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition in order to be considered for credit calculations, at least eighty (80) percent of the prepared area must be covered with flowering plant material at the time of peak growth.
- J. Caliper of trees is to be measured at a point twelve (12) inches above top of ground.
- K. Installation and Maintenance – All live landscaping required by this code shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodden areas mowed, fertilized and irrigated on a regular basis.

### **3.6.02 [Tree Preservation]**

- A. The purpose of this subsection is the preservation of mature trees and natural areas. It is intended to protect trees during construction, development, and redevelopment, to control the removal of protected trees when necessary. It also establishes rules for replacement and replanting of trees that had been necessarily removed during construction. This article shall protect any property from indiscriminate clearing and maintain and enhance a positive image as well as attract new business enterprises to the City. The terms and provisions of this article apply to all real property as follows:
  - (1) All new subdivisions of land at the time of preliminary and/or final platting;
  - (2) All re-platting of undeveloped land;
  - (3) All un-platted and undeveloped tracts of land greater than five (5) acres;
  - (4) All non-residential parcels of land at the time of site plan approval.
- B. The following trees are to be considered protected within the municipal boundaries of the City of Gainesville
  - (1) All species of Pecan
  - (2) All Species of Oak
  - (3) Any tree which has a diameter of eighteen (18) inches or greater measured twelve (12) inches above ground. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to one half (1/2) the diameter of each additional trunk.
  - (4) All species of Hackberry, Bois d’arc and Mimosa are exempt from this subsection and shall not be considered protected regardless of diameter.
- C. Tree Removal Permit Required – No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this article without first obtaining a tree-removal permit unless otherwise specified in this article.
  - (1) New Development: All developments which have not submitted final plats as of the effective date of this article shall be subject to the requirements for tree protection and replacement specified herein.
  - (2) Residential Subdivisions: All area within public right-of-way, utility

easements, or drainage easements as shown on an approved final plat, and areas designed as cut/fill on the master drainage construction plan approved by the City's engineer shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements and shall indicate how protected trees may be saved.

- (3) Non-Residential Developments: All area within public right-of-way, public utility or drainage easements as shown on an approved final plat, fire lanes, and parking areas shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.
  - (4) Agricultural: Property zoned "A", agricultural, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
  - (5) Homeowners: The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this article as it pertains to that residential property.
  - (6) Building/Contractors: All builders who have not submitted a request for a building permit as of the effective date of this article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve (12") inches of the building foundation as shown on an approved plot plan shall be exempt from the tree protection and replacement requirements of this article. All other areas of the lot shall be subject to these requirements.
  - (7) Additional Exemptions – A tree removal permit and tree protection and replacement requirements shall not be required if the following conditions exist:
    - a. Damaged/Diseased Trees: The tree is dead, diseased, damaged beyond the point of recovery or in danger of falling.
    - b. Public Safety: The tree creates unsafe vision clearance or conflicts with other ordinances or regulations or the tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety, or welfare.
    - c. Utility Service Interruption: The tree has disrupted a public utility service. Removal shall be limited to the part of the tree that is found necessary to be removed to reestablish and maintain the utility service.
- D. Tree Mitigation – In the event that it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree(s) being removed with comparable trees. The mitigation of the trees shall be 1:1 with said replacement trees being at least one (1) inch in caliper when planted.
- E. Tree Protection During Construction
- (1) Tree Protection: During any construction or land development, the developer shall clearly mark those trees to be protected and may be required to erect some protective device to ensure protection of said trees.



The protective barrier must be maintained during all construction until the project is finished.

- (2) **Material and Equipment Storage:** The developer shall not store any material or equipment within the critical root zone of the protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line if the trees or under the canopy of the tree. Materials include but are not limited to oils, paint, solvents, mortar, asphalt, and concrete.
- (3) **Signs:** No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
- (4) **Traffic:** No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of the protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine moving operations.
- (5) **Grade:** No grade change in excess of four (4") inches shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved beforehand.

**F. Tree Planting Restrictions**

- (1) **Overhead Lines:** Any required replacement shall not be planted within an area such that the mature canopy of the tree will interfere with overhead utility lines.
- (2) **Underground Lines:** Any required replacement trees shall not be planted within an area such that the mature root zone of the tree will interfere with underground public utility lines.
- (3) No tree shall be planted within ten (10') feet of a fire hydrant.

**SECTION 3.7 PARKING AND LOADING REQUIREMENTS**

**3.7.01 [Off-Street Parking Required]**

- A. The following off-street parking shall be provided in compliance with this section of this ordinance, whenever any building is erected, altered, enlarged, converted, or increased in size or capacity.
- (1) For single-family dwellings, two (2) spaces. These spaces shall not be single row spaces.
  - (2) For multifamily dwellings and apartment hotels, two (2) spaces for each living unit.
  - (3) For hotels and motels, one (1) space for each guestroom or suite of the first twenty (20) individual guestrooms or suites, one (1) additional parking space for each two (2) guestrooms or suites in excess of twenty (20) and not exceeding forty (40); one (1) additional space for each four (4) guestrooms or suites in excess of forty (40); plus one (1) additional space for each four (4) patron seats in rooms open to the nonresident public; plus one (1) space for each two hundred (200) square feet of display area or ballroom.

- (4) For churches erected on new sites, one (1) parking space on the lot for each three (3) seats in the main auditorium.
  - (5) For elementary and junior high schools, public, parochial and private, two (2) spaces for each classroom;
  - (6) For colleges, senior high schools, public, parochial and private, seven (7) spaces for each classroom.
  - (7) For hospitals, one (1) space for each hospital bed.
  - (8) For institutions, clubs, lodges, and public buildings, one (1) space for each one hundred and fifty (150) square feet of floor area.
  - (9) For retail and wholesale commercial uses, one (1) space for each two hundred (200) square feet of floor area.
  - (10) For warehouses, one (1) space for each employee or maximum number employed and on duty at any one (1) time, minimum four (4).
  - (11) For recreational area, gymnasium, or building (other than listed), private or commercial, one (1) space for every four (4) persons normally accommodated in the establishment.
  - (12) For restaurants or cafeterias, one (1) space for every three (3) seats under maximum seating arrangements.
  - (13) For golf courses, public or private, minimum of thirty (30) spaces.
  - (14) For libraries or museums, ten (10) spaces plus one (1) space for each three hundred (300) feet of floor area.
  - (15) For industrial uses whichever is larger, one (1) space per every five hundred (500) square feet or one (1) space for each employee per shift at maximum hiring capacity.
  - (16) For theaters, meeting rooms and places of public assembly, one (1) space for every three (3) seats.
  - (17) Employee parking spaces shall be in addition to required customer spaces.
- B. Combination of Uses – Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.
  - C. Location of Lot – The parking spaces required by this code shall be provided on same lot as the use or where the exclusive use of such is provided on another lot not more than a five hundred (500) feet from the subject lot, measured in a radius, within the same or less restrictive zoning district.
  - D. Accessible Spaces – Accessible parking spaces and passenger loading zones shall be provided in accordance with the State of Texas Accessibility Standards. Shopping Centers and commercial uses over twenty thousand (20,000) square feet shall provide twice the number of accessible spaces required by law.
  - E. Parking spaces may be provided in the front yard in all commercial and industrial districts only if the main building is set back a minimum of fifty (50) feet from the right-of-way.
  - F. All driveways and off-street parking shall meet requirements of most recently adopted standing, stopping, and parking regulations and ordinances.
  - G. Design of Parking Facilities – The design of parking facilities shall be in accordance with the following provisions of this ordinance;
    - (1) Driveway Width – Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:
      - a. Private driveways shall be nine (9) feet wide minimum.

- b. Commercial driveways shall be twenty-four (24) feet minimum.
- H. Driveway and Ramp Slopes – The maximum slope of any driveway or ramp shall not exceed twenty (20) percent. Transitional slopes in driveways and ramps shall be provided in accordance with the standards set by the City Manager or his/her designee and the city’s engineer.
- I. Screening – A three (3) foot high screening buffer of treated wood, masonry or vegetation shall be placed on the perimeter of all parking areas of ten (10) or more vehicles.
- J. Lighting – All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.
- K. Existing buildings not complying with off-street parking requirements may be remodeled, repaired and structurally altered, but any enlargement must provide the parking spaces as required by the enlargement.

**3.7.02 [Non-Residential Off Street Loading Requirements]**

- A. Loading spaces shall be provided on the same lot for every building in the Commercial or Industrial districts. No loading space is required if prevented by an existing lawful building.
- B. To facilitate the movement of traffic on the public streets, all retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive:
- C. Individual loading space dimensions shall be per most recently adopted regulations and codes of the City of Gainesville
- D. The number of off-street loading spaces shall be placed according to the following:
  - (1) For 0 to 10,000 square feet of gross floor area no space or berth is required.
  - (2) For 10,000 to 50,000 square feet of gross floor area one (1) space or berth is required.
  - (3) For 50,000 to 100,000 square feet of gross floor area two (2) spaces or berths are required.
  - (4) For 100,000 to 200,000 square feet of gross floor area three (3) spaces or berths are required.
  - (5) For each additional 200,000 square feet of gross floor area one (1) additional space or berth is required.

**3.7.03 [Stacking Requirements for Drive-Through Facilities]**

- A. A stacking space shall be an area on a site measuring nine (9) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces (from the right-of-way line).
- C. For each service window of a drive-through restaurant, a minimum of seven (7)

- stacking spaces (from the right-of-way line) shall be provided.
- D. For kiosks, a minimum of two (2) stacking spaces (from the right-of-way) for each service window shall be provided.
  - E. For drive-in cleaners, a minimum of three (3) stacking spaces for each drive-in window.

## **SECTION 3.8 OUTDOOR LIGHTING**

### **3.8.01 [Outdoor Lighting]**

- A. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this section, the Building Code and the Electrical Code of the City of Gainesville as applicable and under appropriate permit and inspection. These lighting standards shall apply to all non-residential uses in the City of Gainesville. Unless otherwise stated, this ordinance does not regulate lighting in public road right-of-ways.
- B. An Outdoor Lighting Plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including right-of-ways, public easements, franchises, and utility easements for approval by the City Manager or his/her designee. An Outdoor Lighting Plan shall be submitted prior to issuing a building permit. Plans shall include the following:
  - (1) A layout of the proposed fixture locations.
  - (2) The light source.
  - (3) The luminous area for each proposed light source with proposed foot-candle measurements.
  - (4) The type and height of the light fixture or of the light source above grade.
  - (5) The type of illumination.

## **SECTION 3.9 SUPPLEMENTAL PROVISIONS**

### **3.9.01 [Approval for and Availability of Essential Services]**

- A. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting, and similar services shall obtain approval as required by the agency providing the service prior to approval.
- B. Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available.
- C. The City of Gainesville is not obligated to extend or supply essential services if capacity is not available.
- D. If the capacity is available, the extension of services shall be by and at the cost of the developer. This provision shall not exclude the developer from seeking relief from the Gainesville Economic Development Corporation for the cost of said extensions.
- E. All service extensions shall be designed and installed in full compliance with the City of Gainesville's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the City of

Gainesville.

## **SECTION 3.10 SPECIAL PROVISIONS**

### **3.10.01 [Home Business Occupations]**

- A. General – Home Business Occupations shall be permitted only in the SF-1 single-family one district and the SF-2 single-family two (2) district. The home occupation must be clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.
- B. Conditions of Use
  - (1) The home business occupation shall not exceed fifteen (15) percent of the floor area of the primary structure.
  - (2) Other than those related by blood, marriage or adoption, no one outside the home shall be employed in the home occupation.
  - (3) Inventory and supplies shall not occupy more than fifty (50) percent of the area permitted for use as a home occupation.
  - (4) There shall be no exterior display or storage of goods on said premises.
  - (5) All business must be conducted inside of the home.
  - (6) No equipment may be used in the business that would not normally be found inside a residential dwelling.
  - (7) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one (1) patron vehicle is on the premises at the same time.
  - (8) Two (2) additional parking spaces shall be provided on premises, however only one (1) need be provided if the home occupation does not have an outside the home employee. Said parking shall comply with the most recently adopted rules and ordinances for stopping, standing, and parking.
  - (9) No signage may be utilized.
  - (10) The care of ten (10) or fewer children requires a Special Use Permit issued in accordance with Section 3.3 of this ordinance.
  - (11) The following uses are prohibited and shall not be considered home occupation.
    - (1) Auto service or accessory centers of any type.
    - (2) Barber and beauty shops.
    - (3) The care of more than ten (10) children.
    - (4) Sexually oriented business.
- C. All home occupations must comply with all city ordinances related to health and safety.
- D. The City Council at its sole discretion may revoke a home business occupation use by ordinance.

### **3.10.02 [Sexually Oriented Businesses]**

- A. General Provisions
- B. No adult business shall be permitted within one thousand (1,000) feet of a park, school, day care center, library or religious or cultural activity.
- C. No sexually oriented business shall be located within five hundred (500) feet of any other sexually oriented business or any agricultural or residential zone boundary.
- D. Such distances shall be measured from the perimeter of the property lines, in a straight line, and without regard to intervening structures, topography and zoning.
- E. Said business shall be located only within I zone, and shall not be permitted as a home business occupation.

### **3.10.03 [Alcoholic Beverage Sales]**

- A. General – The sale of beer, wine and mixed beverages shall be allowable in all commercial and industrial zoning districts within the City of Gainesville
- B. License Required – The City of Gainesville requires an alcohol license be issued prior to the sale of alcohol under the following:
  - (1) Applicant shall file application form provided by the City of Gainesville for review.
  - (2) Applicant shall provide city with a single copy of their approved state application for filing.
  - (3) All fees are non-refundable and shall be payable at filing of application
    - a. The required fee for any alcohol license shall be one half (1/2) of the state fee for same such license or permit.
    - b. A mixed beverage permit is exempt during the three (3) year period immediately following the issuance of the state permit.
  - (4) The alcohol license issued by the City of Gainesville must be renewed annually on the anniversary date of original issuance.
  - (5) No license shall be issued prior to the consent of the City Manager or his/her designee, the Chief of Police, and the City Secretary.
  - (6) No license shall be issued prior to the verification of the state application.
  - (7) The City maintains the right to revoke any license due to the following:
    - a. Danger to public health.
    - b. Danger to public safety.
    - c. Public nuisance.
    - d. Sales or service to minors
- C. Provisions
  - (1) No alcoholic beverages may be sold within three hundred (300) feet of a church, public or private school, or public or private hospital.
  - (2) The sale of alcoholic beverages may be prohibited within one thousand (1,000) feet of such private school if the City Council receives a request for such a prohibition from the governing body of the private school. All measurements shall be made in compliance with the Texas Alcoholic Beverage Code.
  - (3) Business hours shall comply with those prescribed in Chapter 105.00 Section 105.1 to Section 105.06 of the Texas Alcoholic Beverage Code.

- (4) Business must comply with all city codes and ordinances.
- D. Possession or consumption of alcohol is expressly prohibited in parks and public areas unless approved by City Council.

## **SECTION 3.11 PLOT PLANS AND SITE PLANS**

### **3.11.01 [Plot Plans]**

- A. Whenever a plot plan is required by this ordinance, such plan must conform to the requirements of this section. Unless otherwise specified in this ordinance, all plot plans must be approved by the City Manager or his/her designee prior to the issuance of any permit.
  - (1) The minimum plot plan size that will be accepted is 8.5” x 11”.
  - (2) Plot plan may be done by property owner or resident, but shall be to scale using a straight edge.
- B. Elements of a Plot Plan – Unless otherwise stated in this ordinance all plot plans must contain the following drawn to a scale of 1”-20’ or 1”-100’:
  - (1) Property dimension and shape.
  - (2) Location of roads.
  - (3) The relationship and precise location of man-made features on the property, e.g. buildings, structures, driveways.
  - (4) Natural water features. e.g., creeks, rivers, lakes.
  - (5) Known utilities and easements.
  - (6) Any physical changes to be made on site pertaining to permit application.
- C. Plot Plans are required for the issuance of the following permits:
  - (1) Residential Buildings
  - (2) Accessory Buildings
  - (3) Decks, porches, gazebos and awnings
  - (4) Garages (attached and detached)
  - (5) Pole Barns
  - (6) Fences

### **3.11.02 [Site Plans]**

- A. Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section. Unless otherwise specified in this ordinance, shall be approved by the City Manager or his/her designee. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as set forth by the city staff. Site plans shall be reviewed by the City staff and comments shall be returned after the review by the City staff. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the city staff.
- B. When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the city.
- C. Changes to a Site Plan
  - (1) Changes to the site plan shall be processed in the same manner as the

- original approved site plan.
- (2) Except as otherwise provided in paragraph three (3) below, any site plan that is amended shall require approval of the City Manager or his/her designee.
  - (3) Changes to the site plan which will affect the use of the land may require either an amendment to a Planned Development or a rezoning of property, whichever applies.
  - (4) Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the City Manager his/her designee.
- D. The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the City Manager and the staff personnel required to enforce and interpret this ordinance.
- (1) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, fire hydrants, easements, roadways, sidewalks, emergency access easements, and public right-of-ways.
  - (2) Topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations.
  - (3) Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
  - (4) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and /or alley.
  - (5) Total number, location, and arrangement of off-street parking and loading spaces, where required.
  - (6) All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
  - (7) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
  - (8) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
  - (9) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening
  - (10) If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
  - (11) Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address, or common description of the property.
  - (12) Current land uses and zoning district of the property, and current land uses and zoning districts of contiguous properties.



- (13) Buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
- (14) The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
- (15) The number of square feet of the property after construction, which will constitute impervious area or impervious surface and vegetated areas.
- (16) Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
- (17) Legal description of the total site area proposed for rezoning, development or specific use permit.
- (18) Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.
- (19) A development timetable if development is to be in phases.
- (20) The percentage of the site that will be covered by building and structures.

### **SECTION 3.12 ENFORCEMENT**

The provisions of this ordinance shall be administered and enforced by the City of Gainesville or persons designated by the City Manager. All applications for building permits shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use of the property, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plot plans shall be kept in the office of the City of Gainesville.

### **SECTION 3.13 LEGAL STATUS PROVISIONS**

#### **3.13.01 [Repealing Clause]**

In addition to the repeal of Ordinance 25-2-71 and all amendments to said ordinance the City of Gainesville repeals the following Ordinances in their entirety; Ordinance 309-11-86 Site Plan Review and Ordinance 429-11-89 IH-35 Site Plan Review Ordinance.

#### **3.13.02 [Conflicts]**

Any ordinance or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

### **3.13.03 [Preserving Rights in Pending Litigation and Violations Under Existing Ordinances]**

By the passage of this ordinance, no presently illegal use should be deemed to have been legalized unless [such use] specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, unless otherwise stated within this ordinance, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the zoning ordinance was repealed and the present zoning ordinance adopted, shall be discharged or affected by such ordinance repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior ordinance had not been repealed.

### **3.13.04 [Penalty for Violation]**

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000.00, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed of any such violation shall be guilty of a separate offense; and upon conviction shall be fined as herein provided.

### **3.13.05 [Savings Clause]**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

# **APPENDIX A**

## General Definitions

The following are general definitions that, when used in this ordinance, shall have the meaning respectively ascribed to them in this section, unless the context of this ordinance clearly indicates otherwise. Definitions that pertain to other sections of this ordinance are provided in those specific sections.

### A

**Abutting** - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Accessory Building (Accessory Structure)** – A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structures include garages, decks, and fences.

**Accessory Use** - A structure or use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use.

**Administrative Official** - The individual charged with the administration and enforcement of this ordinance, or his duly authorized representative.

**Adult Business** - As defined in City’s Sexually Oriented Business Ordinance.

**Agricultural Use** - The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticulture use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

**Alley** - A right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular or utility access.

**Animal Shelter** - Any premises designated by the city for the purpose of impounding and caring for cats and dogs found running at large or otherwise subject to impoundment in accordance with the provision of this law.

**Antique Shop** - Any premises used for the sale or trading of articles of which 80 percent or more are over 50 years old or have collectible value. Antique shop does not include “secondhand store”.

**Apartment** - A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen

and bathroom accommodations. Row houses shall be considered as an apartment house.

**Apartment, Loft** - A dwelling unit established in an existing nonresidential building.

**Apartment, Studio** - An apartment consisting of one main room, a kitchen or kitchenette, and a bathroom.

**Appliance Shop, Household** - A shop specializing in the sale and repair of household appliances.

**Artist's Studio** - Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

**Assembly Hall** - A building and associated facilities dedicated to social or recreational activities serving the city or a neighborhood.

**Athletic Fields** - Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g., softball, soccer, football).

**Auction Room** - A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes an auction, at which the principal purpose is the sale of livestock or motor vehicles.

**Auditorium** - An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

**Auto Body Operations** - Activities involving the repair, painting, or undercoating of the body or frame of vehicles with a gross vehicle weight of 10,000 pounds or less. Body and frame repair does not include mechanical engine or power train repair.

**Automobile Accessory Stores** - Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation, Does not include tire recapping establishments, or businesses dealing exclusively in used parts.

**Automobile Dealership** - A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

**Automobile Service Facilities** - Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

**Automobile Washes (Carwash)** A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices operated on a self-service basis shall be construed to be the same.

## **B**

**Bakery, Retail** - An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use.

**Bakery, Wholesale** - A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

**Bank** - A freestanding building or suite located within another principle structure, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

**Barber Shop** - Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

**Barn** - A large accessory building used exclusively for the storage of grain, hay, and other farm products, or the sheltering of livestock or farm equipment.

**Basement** - That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

**Beauty Salon** - Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

**Bed-and-Breakfast (B&B)** – Formerly a single-family dwelling in the four- to five-room range, this owner-occupied establishment has an equally mixed use as home and lodging with lodging superseding home more often than not. It is located in a legally zoned area and meets all the tax, fire, building, and health requirements for this size and use of property. This establishment advertises publicly and can legally post a sign. Often the property is purchased specifically to be a B&B, but many are converted family homes. Reservations may be made directly with the property. B&B's are allowed one (1) plaque style sign not to exceed four (4) square feet in size.

**Block** - An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries.

**Board** -The Board of Appeals of the City of Gainesville, Texas.

**Breezeway** - A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

**Building** - A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

**Building Line** - The building line is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by these regulations, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines.

## C

**Campground** - Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes.

**Cargo Container** - A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Carport** – A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

**Catering Establishments** - An establishment that serves and supplies food to be consumed off premises.

**Cellar** - A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories or building height

**Cemetery** - Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

**Certificate of Occupancy** - A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**Church** - A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**City Council (Council)** The governing body of the City of Gainesville established under and by the authority of the laws of the State of Texas for the enactment of ordinances and the enforcement thereof and having the ultimate authority for amendment or repeal of any provision of this code.

**Cleaning and Dyeing Facilities** - A building, portion of a building, or premises used or intended to be used for cleaning or dyeing fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**Clinic** - A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours.

**Commercial Recreational Uses** - Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters.

**Community Center** - Building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

**Communications Tower** - A structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction.

**Convalescent Center** - A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

**Court** - An unoccupied open space bounded on three or more sides by buildings or lot lines on which walls are permitted.

## **D**

**Day Care Center** - Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

**Day Care Center, Adult** - A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.



**Density** - The number of dwellings or principal buildings or uses permitted per net acre of land. Net acre of land shall not include land required for public streets.

**Department Store** - A general merchandising store offering a full line of goods and having 50,000 square feet or more of floor space.

**Driving Range** - a tract of land for practicing long golf shots, esp. drives, with clubs and balls available for rent from the management.

**Dwelling, Multifamily** - A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums; also multiple dwellings.

**Dwelling, Single-Family** - A building designed exclusively for and occupied exclusively by one family

**Dwelling Unit** – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## E

**Easement** - A legal interest in land, granted by the owner to another person, which allows that person(s) the use of all or a portion of the owner's land, generally for a stated purpose including but not limited to access or placement of utilities.

**Electrical Substation** - An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

**Explosive** - Any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

**Extra Territorial Jurisdiction (ETJ)** – A one mile area surrounding the incorporated area of the City of Gainesville, over which the municipality has the right of subdivision approval and the potential for annexation.

## F

**Fairgrounds** - An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

**Family** - One (1) person or two (2) or more persons related by blood or marriage, and with any number of natural children, foster children, stepchildren or adopted children; or a group of not more than two (2) adult persons not necessarily related by blood or marriage, and with any number of natural children, foster children, stepchildren or adopted children. Limitations provided in this section do not apply to a dwelling unit which is utilized as a residential facility for handicapped persons as governed by the provisions of federal law.

**Farm** - A parcel of land owned in fee or leased to a single legal entity and which is devoted to agriculture, pasturage, or stock or poultry raising. The term “farm” does not include: (a) truck gardens; (b) commercial tree farms; (c) sales of agricultural equipment or chemicals; (d) commercial storage of agricultural produce or chemicals; (e) commercial feedlots and poultry lots; and (f) nurseries.

**Farm Equipment and Supplies Sales Establishment** - Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

**Farmers Market** - A specified land area managed by a single operator who leases space/stalls for the outdoor sales of fresh fruit and produce foods products, fruits, and nuts.

**Feedlot** - Any pen, corral, or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

**Fence** - An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**Fraternal** (*See Also Philanthropic*) - A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

**Floodplain** – As designated by FEMA.

**Floodway** - As designated by FEMA.

**Floor Area** - The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, and attached accessory buildings, but excepting that area primarily devoted to window display, storage, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized for dead storage, heating and utility rooms, inside off-street parking, or loading space. Measurements shall be made from the outside of the exterior walls.

**Floor Area Ratio (FAR)** - The gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or in the case of a planned development, by the net site area.

## G

**Garage** - A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

**Garbage** - Any human-made or human-used waste which, if deposited within the city other than in a garbage receptacle, does create or tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the city. "Garbage" includes by illustration only any litter, trash, refuse, confetti, debris, rubbish, excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter including but not limited to grass clippings, leaves, cut weeds, newspaper, magazine, glass, metal, plastic or paper container, or compound, hide, feathers, brick, cinderblock, concrete, sand, gravel, stone, glass or other used construction materials, motor vehicles or parts thereof, furniture, appliances such as refrigerators, freezers, ranges, stoves, washers, and dryers, carcass of a dead animal, ashes, cigarettes, cigars, and food or food products.

**Glare**- (1) The reflection of harsh, bright light; and (2) the physical effect resulting from high luminance or insufficiently shielded light sources in the field of view.

**Golf Course** - A lot or portion of a lot used for the playing of golf and shall include pitch-and-putt courses but shall not include driving ranges, miniature golf courses, or other similar commercial enterprises.

**Golf Course, Miniature** - A theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

**Greenhouse / Nursery** - Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

**Greenhouse, Private**- A residential accessory building or structure not exceeding 100 square feet in area or 12 feet in height made of safety glass used for the growth, display, and care of plants grown on the site.

## H

**Halfway House, Penal** - One or more resident is: (1) on probation; (2) on parole; or (3) participating in a penal institution's pre-release program.

**Health Club** - A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Height** - A vertical distance fixed in certain districts contained herein and measured from the average ground level at the base of the structure.

**Heliport** - An area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

**Home Improvement Store** -A facility engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**Home Occupation** - An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

**Hospital** - An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed, and provided nursing and related services. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.

**Hotels / Motels** - A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined.

## I

**Impervious Surface** - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**Impervious Surface Coverage** – The percentage of the area of a lot that is covered by impervious surface.

**Infrastructure** - Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

**Interior Decorating Shops** - A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered; however, cloth, wallpaper, and paint samples may be provided.

## J

**Junk** - Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage.

**Junkyard** - A tract of land, including any accessory structure thereon, that is used for buying, selling, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard. A junkyard includes an automobile wrecking yard.

## **K**

**Kennel** - Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

## **L**

**Laboratory, Research** – Building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Laboratory, Support** - A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil, medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

**Landscaping** -The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features, and contouring of the earth.

**Landscape Contractor** – Business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

**Laundromat** – A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

**Livestock** - Any animal customarily kept by humans for the purpose of providing food, clothing, or work, including but not limited to equine, bovine, ovine, caprine, porcine, and fowl, but excluding bees.

**Livestock Yard** - An agricultural operation of at least five acres in size where domestic farm animals, excluding swine, are kept for use as part of a farm or raised for sale.

**Liquor Store** - Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption. Liquor store does not include a business selling only beer and/or wine for off-premises consumption.

**Loading Space, Off Street** - A space within the main structure or on the same lot, providing for the standing, loading, or unloading of trucks.

**Locksmith Shops** - A shop that specializes in making, selling, and repairing keys, locks and associated materials.

**Lot** - A piece or parcel of land occupied or intended to be occupied, or capable of being occupied, by a permitted principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this code.

**Lot Area** - The computed area contained within the lot lines.

**Lot, Corner** - A lot located at the intersection of two or more streets.

**Lot Coverage** - The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**Lot Depth** - The mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot, Interior** - A lot other than a corner lot or a through lot.

**Lot, Through** - A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines, and shall provide a front yard on each street.

**Lot Line** - The property line bounding the lot.

- (1) Lot line, front: the line separating the lot from the street. In the case of an exterior lot, the front line is the shorter of any two adjacent street lot lines.
- (2) Lot line, rear: the line opposite to and most distant from the front lot line, other than a side lot line; in the case of an irregularly shaped lot where no rear lot line is apparent, the rear lot line shall be a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.
- (3) Lot line, side: any lot line other than a front or rear lot line that intersects a front lot line.

**Lot Width** - The horizontal distance between side lot lines measured at the required front setback.

## M

**Main (Principle) Building** - A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

**Manufacturing** - Fabrication of raw materials or assembly of parts or materials fabricated offsite.

**Masonry** - That form of construction composed of brick, stone, or decorative split-face block or combination of these materials laid up unit by unit and set in mortar with a natural finish. For the purpose of this code masonry may include stucco finishes and cement fiberboard products, but shall not include exterior insulated finish systems (EIFSI).

**Massage Studio** - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Meat Market** – A retail facility that offers meat, fish, and poultry products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

**Medical Supply Stores** - An establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

**Mini-Storage** – A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities

**Mining / Drilling** - The development or extraction of a mineral from its natural occurrences on affected land by any means.

**Mortuaries / Crematorium** - An establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

**Movie Theater** –A specialized theater for showing movies or motion pictures. The primary structural difference between a theater and a movie theater is the projection screen. However, many movie theaters can easily be adapted for stage performances and many stages have folding screens for movie projections. Although screen shapes are mostly rectangular, they come in a variety of shapes. Also, some special-purpose multimedia movie theaters use multiple screens, one on each wall face, or the entire ceiling surface, which are sometimes curved or geodesic in

shape.

**Museum** - A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

**Musical Store** - An establishment offering music, musical instruments, and other related items for sale to the general public. Such establishments may offer repair services of musical instruments.

## **N-Reserved**

## **O**

**Occupancy** -The use of land, buildings or structures by proprietors or tenants.

**Office Machine Sales and Service** - A shop specializing in the sale and repair of office machinery.

**Office Supply Stores** - A store specializing in office supplies.

**Open Space** - Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

## **P**

**Paint Store** - Specializing in the sale paint, painting tools, and supplies.

**Parking Area, Off-Street** – A site or a portion of a site devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street. Off street parking must meet the requirements of any other regulations or ordinances adopted by the City of Gainesville.

**Plumbing Supply Stores** - Stores specializing in the sale of plumbing tools and supplies.

**Park, Public** - A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

**Pawnshops** - An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and barrier requirements.

**Petroleum Refining** - Oil-related industrial activities involving the processing or manufacture of substances such as: asphalt and tar paving mixtures; asphalt and other saturated felts (including



shingles); fuels; lubricating oils and greases; paving blocks made of asphalt, creosoted wood, and other compositions of asphalt and tar with other materials; and roofing cements and coatings.

**Pharmacy / Drug Store** – A place where drugs and medicines are prepared and dispensed.

**Planning and Zoning Commission (Commission)** - The Planning and Zoning Commission of the City of Gainesville.

**Plat**- A document, prepared by a registered surveyor or engineer that delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

**Premises** - A lot, together with all buildings and structures thereon.

**Printer** – A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

**Private Club** - A recreation facility open only to bona fide members and guests of the private organization operating the facility.

**Private Drive, Street, or Place** - Any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the city and that is not maintained by the city.

**Processing** - To subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; examples include petroleum refining, oil shale crushing, retorting and refining, ore smelting, coal crushing and cleaning, saw mill, alfalfa pellet mills, food canning or packing, creation of glass, ceramic, or plastic materials, gravel crushing, cement manufacture, concrete batch plants.

**Property Line** (*See lot line definitions*)

**Public Building** - Any building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

## **Q-Reserved**

## **R**

**Radio Station** - All uses related to the production of radio including all vehicles used to transport this equipment and other related commercial vehicles and equipment used for remote broadcast.

**Recreational Vehicle (RV)** - A vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections and designed to be self propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, houseboats, and campers.

**Repair and Storage Garages** - Any building, structure, improvements, or land used storage of, or repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

**Residence** - The general term implying place of human habitation and embracing both residential and apartment residential district classifications.

**Restaurant** -A structure in which the principal use is the preparation and sale of food and beverages.

**Restaurant, Drive-In** - A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the public. Services are effected principally while patrons remain in their vehicles.

**Room** - An un-subdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, hallways, and service porches.

## S

**Sanitarium** - A health station or retreat or other place where patients are housed, and where treatment is given, but excluding mental institutions, or institutions for treatment of persons addicted to the use of drugs.

**Salvage Yard** - Facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment, scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products that can be returned to a condition in which they may again be used for production.

**School** - An institution for the teaching of children or adults. Including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art

schools, and similar facilities.

**Screening** - A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

**Semi-trailer** -Any vehicle without motive power designed to be coupled with or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Setback** (*See also lot definitions*) –The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

**Slaughterhouse** -A facility for the slaughtering and processing of animals and the refining of their byproducts.

**Special Use Permit** - A permit issued by the proper governmental authority that must be acquired before a special exception use can be constructed.

**Stables, Commercial** A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

**Stadium** - A commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

**Street** – A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

**Street Line** - The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line.

**Street, Thoroughfare** - A street whose primary function is to provide continuity and to feed regional major thoroughfares and freeways.

**Structure** - Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

**Structural Alteration** - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

**Swimming Pool** - A receptacle for water, or artificial basin of water, either above ground, below ground, or partly above and partly below ground, not wholly enclosed within a building, having a depth at any point in excess of 18 inches or a surface area exceeding 150 square feet and intended for use by persons for the purpose of immersion, partial immersion, or swimming, and including all appurtenant equipment.

## T

**Tanning Studio** -Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

**Tattoo Parlor / Piercing Studio** - An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Taxidermist** The business of preparing, stuffing, and mounting the skins of animals.

**Telecommunications Wireless Services** - Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Federal Telecommunications Act of 1996.

**Telephone Exchange Building** – A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless service towers.

**Tower** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

**Terminal, Bus** - Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

**Terminal, Truck** - The premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

**Television Studio** - All uses related to the production of motion pictures and television film and tape, including motion picture and television stages; exterior sets; laboratories; construction, repair, and storage facilities; caretaker and temporary housing; all vehicles used to transport this equipment and other related commercial vehicles; and accessory fabrication activities.

**Theaters** - An outdoor or indoor area, building, part of a building, structure, or defined area utilized primarily for rehearsal or research and development related to the presentation of film, television, music video, multimedia, or other related activities that in the opinion of the City of Gainesville are similar. Such areas may or may not be open to the City's general public.

**Tire Repair Shops** – A place where the principal business is the sale or installation of new, used, or retread tires and tubes.

**Trailer** - A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

## U

**Upholstery Shop** - A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstery or repair.

**Utilities, Communications** - Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. Facilities include but shall not be limited to communications exchanges, mini-huts, maxi-huts, and other similar facilities.

## V

**Variance** - A variance granted to allow a use not permitted by the zoning ordinance. Use variances are prohibited by state statute.

**Veterinary Services** - An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.

## W

**Wholesale Distributors / Distribution Center** - The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities.

## X-Reserved

## Y

**Yard, Front or Street** - Open space extending across the full width of a lot between the front lot line or the proposed front street line and nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any enclosed portion thereof. For a corner lot in a residential zone defined by two street lines connected by a third line having a length of less than 50 feet (commonly known as a “truncation”), the front yard must be measured from the front lot line, not from the truncation line.

**Yard, Interior** - An open-space area between the interior side lot line and the required interior side building setback line, extending between the front building setback line and the rear building setback line.

**Z**

**Zoning District Map** - The map adopted as an ordinance by the municipality that delineates the extent of each district or zone established in the zoning ordinance.