

ORDINANCE 16-04

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING SUBSECTION 4.1.2, ADDING BANQUET HALL AS A USE TYPE IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, ADDING BIRTH CENTER AS A USE TYPE IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, ADDING INTERNET CAFÉ/ SIMULATED GAMBLING ESTABLISHMENT AS A USE TYPE IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, ADDING MEDICAL AND NON-MEDICAL MARIJUANA CULTIVATION, MEDICAL AND NON-MEDICAL MARIJUANA PROCESSING AND MEDICAL AND NON-MEDICAL MARIJUANA DISPENSING AS USE TYPES IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, ADDING PAWN SHOP AS A USE TYPE IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, ADDING PRECIOUS METAL DEALER AS A USE TYPE IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, ADDING TATTOO PARLOR/ BODY-PIERCING STUDIO AS A USE TYPE IN TABLE 4.1-1; AMENDING SUBSECTION 4.1.2, AMENDING THE ZONING DISTRICTS IN WHICH ARENA, AMPHITHEATER, AUDITORIUM, OR STADIUM IS A PERMITTED USE IN TABLE 4.1-1; AMENDING SUBSECTION 4.3.4 (F), RELATING TO USE-SPECIFIC STANDARDS FOR RECREATION/ENTERTAINMENT; AMENDING SUBSECTION 4.3.4 (G), RELATING TO USE- SPECIFIC STANDARDS FOR RETAIL SALES AND SERVICES; AMENDING TABLE 4.4-1 TO CORRECT A SCRIVENER'S ERROR; AMENDING SUBSECTION 4.4.2 (D)(4), ADDING AUTOMATIC STANDBY GENERATOR TO THE TABLE OF PERMITTED ACCESSORY USES IN TABLE 4.4-1; AMENDING SUBSECTION 4.4.2 (D)(4), ADDING COUNTRY CLUB AS A PERMITTED ACCESSORY USE IN TABLE 4.4-1; AMENDING SUBSECTION 4.4.2 (D)(4), ADDING GROUND OR ROOF MOUNTED SOLAR ENERGY SYSTEMS TO THE TABLE OF PERMITTED ACCESSORY USES IN TABLE 4.4-1; AMENDING SUBSECTION 4.4.2 (E)(3), RELATING TO THE SIZE OF ACCESSORY STRUCTURES; ADDING NEW SUBSECTION 4.4.4 (J), RELATING TO ADDITIONAL REQUIREMENTS FOR AUTOMATIC STANDBY GENERATORS; ADDING NEW SUBSECTION 4.4.4 (K), RELATING TO ADDITIONAL REQUIREMENTS FOR GROUND OR ROOF MOUNTED SOLAR ENERGY SYSTEMS; AMENDING SUBSECTION 6.1.4 (B)(1), ADDING AND CLARIFYING PARKING STANDARDS FOR CERTAIN USE TYPES TO TABLE 6.1-1; AMENDING ARTICLE 10, PROVIDING DEFINITIONS RELATED TO PROPOSED LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT.; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, a Text Amendment to the City's Land Development Regulations ("LDRs"), as described below, has been proposed; and,

WHEREAS, a duly advertised public hearing was conducted on the proposed amendment on March 7, 2016, by the Planning and Zoning Board, sitting as the Local Planning Agency ("LPA"), and the LPA reviewed and considered comments received during the public hearing concerning the application and made its recommendation to the City Commission; and,

WHEREAS, the City Commission held duly advertised public hearings on March 28, 2016 and April 11, 2016 on the proposed amendment and provided for and received public participation; and,

WHEREAS, the City Commission has determined and found said application for the amendment to be consistent with the City's Comprehensive Plan and City's LDRs; and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare; and

WHEREAS, the 2014 Florida Legislature approved Senate Bill 1030 providing for the growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to qualified patients and their caregivers for the treatment of listed medical conditions, which became effective on June 16, 2014 as Chapter 2014-157, Laws of Florida, and is codified at Section 381.986, Florida Statutes ("Senate Bill 1030"); and

WHEREAS, as of September 2015, the Florida Division of Elections has approved proposed initiatives for placement on the November 2016 ballot proposing to amend the Florida Constitution to authorize recreational use of cannabis, if the required number of signatures are obtained to place the initiatives on the ballot; and

WHEREAS, in addition to the potential recreational initiatives, a medical marijuana initiative is also collecting signatures for placement on the ballot for the November 2016 election, which would amend the Florida Constitution to authorize medical marijuana (hereinafter the "proposed 2016 ballot initiative"); and

WHEREAS, the Florida legislature may consider and enact legislation permitting the use of additional alternative forms of medical marijuana (medical marijuana in all its forms including low-THC cannabis, together referred to as "medical marijuana") and alternative dispensing methods (including, but not limited to, smoking and food products); and

WHEREAS, in the event the Florida legislature enacts legislation expanding the approved forms of medical marijuana and alternative dispensing methods for medical purposes, or in the event the proposed 2016 ballot initiative for medical marijuana or one of the proposed 2016 ballot initiatives for non-medical/recreational marijuana passes, the City Commission believes it is in the best interests of the citizens of Alachua to have in place certain regulations regarding medical marijuana and non medical/recreational marijuana;

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this ordinance.

Section 2. Findings of Fact and Conclusions of Law

The authority for the enactment of this ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City's Comprehensive Plan.

Section 3. Amendment to the Land Development Regulations

The proposed amendments to the City's Land Development Regulations are attached as Exhibit "A" and are hereby incorporated herein by reference.

Section 4. Codification of and Correction of Scrivener's Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

Section 5. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of the City of Alachua, Florida.

Section 6. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 7. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 8. Effective Date

This ordinance shall take effect immediately after its passage and adoption. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

PASSED on first reading the 28th day of March, 2016.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 11th day of April, 2016.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

SEAL

ATTEST:

Traci L. Gresham City Manager/Clerk

Exhibit A to Ordinance 16-04

**Proposed Amendments to the Land Development
Regulations of the City of Alachua**

EXHIBIT A TO ORDINANCE 16-04

Table 4.1-1 is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed. Except as amended herein, the remainder of Table 4.1-1 remains in full force and effect.

Table 4.1-1: Table of Allowed Uses																								
P = Permitted Use S = Special exception permit A = Allowed in the PD districts Blank Cell = Prohibited																								
Use Category/ Use Type	CSV	A	Residential								Business								Planned Development				Use Specific Standards (Sec. 4.3)	
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)		OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM	R	TND		EC
			1	3	4	6	5	P	8	15														
<u>Birth center</u>											<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>A</u>		<u>A</u>	<u>A</u>	
<u>Internet Café / simulated gaming establishment</u>																								
<u>Medical marijuana Cultivation</u>																								
<u>Non-medical marijuana cultivation</u>																								
<u>Medical marijuana dispensing</u>																								
<u>Non-medical marijuana dispensing</u>																								
<u>Medical marijuana processing</u>																								

- (a) *Minimum separation.* Lots shall be located at least 500 feet from day care centers, residential uses or vacant land in residential zone districts.
- (b) *Lot area.* Be at least five acres in area.
- (c) *Frontage.* Have a minimum of 600 feet of frontage on an arterial road, at the primary point of access.
- (d) *Vehicular access.* Locate access points to minimize vehicular traffic to and through local streets in residential neighborhoods.
- (e) *Safety fences.* Provide safety fences up to a height of six feet, if necessary to protect the general health, safety and welfare.

Subsection 4.3.4 (G) is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed. Except as amended herein, the remainder of Subsection 4.3.4 (G) remains in full force and effect.

4.3.4(G)(8)

Pawn shop. Pawn shops shall comply with the following standards:

(a) When such use adjoins a residential zoning district or a residential use, principle and accessory buildings shall not be closer than 100 feet from the residential zoning district boundary line or the property line of the residential use.

4.3.4(G)(9)

Precious metals dealer.

(a) When such use adjoins a residential zoning district or a residential use, principle and accessory buildings shall not be closer than 100 feet from the residential zoning district boundary line or the property line of the residential use.

4.3.4(G)(10)

Tattoo parlor/Body-piercing studio.

(a) When such use adjoins a residential zoning district or a residential use, principle and accessory buildings shall not be closer than 100 feet from the residential zoning district boundary line or the property line of the residential use.

Table 4.4-1 is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed. Except as amended herein, the remainder of Table 4.4-1 remains in full force and effect.

Table 4.4-1: Table of Permitted Accessory Uses																								
A= Permitted Blank=Prohibited																								
Use Category/ Use Type	CSV	A	Residential								Business								Planned Development				Use Specific Standards (Sec. 4.3)	
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)		OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM	R	TND		EC
			1	3	4	6	5	P	8	15														
<u>Automatic Standby Generator</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	4.4.4(J)	
<u>Country club</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
<u>Ground or roof mounted solar energy system</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	4.4.4(K)	
Swimming pools, hot tubs, and ornamental ponds and pools		A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	A	A	4.4.4(J)	

Subsection 4.4.2 (E) is amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed. Except as amended herein, the remainder of Subsection 4.4.2(E) remains in full force and effect.

4.4.2(E)(3) *Size.* For accessory structures which are accessory to residential uses, the combined floor area of all detached accessory structures shall occupy no more than 33 percent of the total floor area of the principal structure, unless otherwise allowed in these LDRs. For residential uses located in the Agricultural zone district, the maximum floor area of accessory structures which are accessory to residential uses shall not apply to structures used for bona fide agricultural purposes, including but not limited to structures such as barns, pole barns, and stables.

Subsection 4.4.4 is amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed. Except as amended herein, the remainder of Subsection 4.4.4 remains in full force and effect.

4.4.4 (J) *Automatic Standby Generator.* Automatic standby generators shall be permitted as an accessory use provided that:

(1) Testing. The generator shall only be used during an electrical power outage and as required by the manufacturer for maintenance purposes. Maintenance shall take place not more than once a week between the hours of 9:00 a.m. and 5:00 p.m. and shall not exceed one (1) hour in duration.

(2) Screening. Generators shall be screened to minimize visual and aural impacts on neighboring properties. Screening shall constitute:

(a) A solid fence at least six feet in height constructed of wood, masonry, stone, or other similar materials, or

(b) Landscaping using evergreen materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six (6) feet within three (3) years of being planted.

(3) Safety. The generator must have an automatic transfer switch installed in accordance with the latest edition of the National Electric Code.

4.4.4 (K). *Ground or Roof Mounted Solar Energy Systems.* A ground or roof mounted solar energy system shall be permitted as an accessory use provided that:

(1) Glare. No portion or part of the system shall emit unreasonable glare directed towards vehicular traffic or habitable portions of adjacent buildings or yards.

(2) Design.

(a) Roof mounted systems shall be designed so that the exterior surfaces of the system shall have a non-reflective finish and shall be color-coordinated to harmonize with the roof materials and/or other dominant colors of the structure.

(b) Ground mounted systems shall be designed so that the exterior system shall have a non-reflective finish and shall be color-coordinated to harmonize with the dominant colors of the primary structure on the property.

(c) Roof mounted systems on any principal or accessory structure shall not be more than three (3) feet higher than the finished roof to which it is mounted. No part of the roof mounted system shall extend beyond the edge of the roof.

Table 6.1-1 is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed. Except as amended herein, the remainder of Table 6.1-1 remains in full force and effect.

Table 6.1-1. Minimum Off-Street Parking Standards		
Use Category	Use Type	Parking Standards
Health care facilities	<u>Birth center</u>	<u>1 space per 200 sq. ft. floor area</u>
	Blood collection facility	1 space per 200 sq. ft. floor area
	Hospital	1.5 per bed
	Medical and dental clinic	1 space per 200 sq. ft. floor area
	Medical and dental lab	1 space per 300 sq. ft. floor area
	Outpatient facility	1 space per 300 sq. ft. floor area
Manufacturing and production	Manufacturing, heavy	1 space per 1,000 sq. ft. floor area
	Manufacturing, light	<u>For offices, laboratories, and areas supporting offices and laboratories: 1 space per 350 sq. ft. floor area;</u> <u>For all other areas: 1 space per 1,000 sq. ft. floor area</u>
	Medical radioisotope laboratory	1 space per 1,000 sq. ft. floor area

Recreation/ entertainment, indoor	<u>Banquet hall</u>	<u>1 space per 300 sq. ft. floor area, or 1 space per 3 seats</u>
	Commercial recreation, indoor	1 space for each 350 sq. ft. floor area
	Neighborhood recreation center	1 space per 3 persons design capacity
	Private club or lodge with seating capacity of less than 300 in main activity area	1 space for 300 sq. ft. floor area
	Private club or lodge, with seating capacity of 300 or greater in main activity area	1 space for 300 sq. ft. floor area
	Theater (less than 500 seats)	1 space for every 4 seats
	Theater (500 seats or more)	1 space for every 3 seats
Retail sales and services	Auction house	1 space per 350 sq. ft. of floor area, plus 1 space for each 1,000 sq. ft. of outdoor auction area
	Bar, nightclub or cocktail lounge	1 space per 75 sq. ft. floor area
	Convenience store	1 space per 150 sq. ft. floor area
	Crematory	1 space for each 3 seats in the chapel
	Department or discount store	Up to 300,000 sq. ft.: 1 space per 305 sq. ft. floor area; 300,001 to 600,000 sq. ft.: 1 space per 285 sq. ft. floor area; over 600,000 sq. ft.: 1 space per 265 sq. ft. floor area
	Drug store or pharmacy (stand alone)	1 space per 200 sq. ft. floor area

Entertainment establishment	1 space per 350 sq. ft. floor area
Financial institution	1 space per 200 sq. ft. floor area
Funeral home	1 space for each 3 seats in the chapel
General media store	1 space per 200 sq. ft. floor area
Grocery store	1 space per 250 sq. ft. floor area
Liquor store	1 space per 400 sq. ft. floor area
Laundromat	1 space per 200 sq. ft. floor area
Personal services establishment	1 space per 200 sq. ft. floor area
Repair establishment	1 space per 300 sq. ft. floor area
Sales establishment	Up to 300,000 sq. ft.: 1 space per 305 sq. ft. floor area; 300,001 to 600,000 sq. ft.: 1 space per 285 sq. ft. floor area; Over 600,000 sq. ft.: 1 space per 265 sq. ft. floor area
<u>Pawn shop</u>	<u>1 space per 200 sq. ft. floor area</u>
<u>Precious metals dealer</u>	<u>1 space per 200 sq. ft. floor area</u>
<u>Tattoo parlor/Body-piercing Studio</u>	<u>1 space per 200 sq. ft. floor area</u>

Section 10.2 is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed. Except as amended herein, the remainder of Section 10.2 remains in full force and effect.

Automatic standby generator means a natural gas, liquid gas propane or diesel fuel powered generator which is permanently connected to the electrical system of a principal structure and only operates in the event of a power outage in order to provide backup power to the principal

structure. Gasoline powered generators are not permitted as standby generators that are permanently connected to electrical systems of principal structures.

Banquet hall means a building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged. Also known as a meeting hall or reception hall, but does not include private clubs or lodges.

Birth center means any facility, institution, or place, which is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur away from the mother's usual residence following a normal, uncomplicated, low-risk pregnancy.

Country Club means land and buildings associated with indoor or outdoor recreation/entertainment use categories and may include a clubhouse, restaurant, swimming pool, tennis courts, professional shop, and similar recreational or service uses.

Dispensing organization means an organization that meets the requirements of Section 381.986(5)(b)1., F.S., including its contractual agents, which has been authorized by the State of Florida to cultivate, process and dispense low-THC cannabis.

Ground or Roof mounted solar energy system means a device or design feature meant to provide for the collection, storage, and distribution of solar energy for heating, cooling, electricity generation and storage, or water heating.

Internet café/ simulated gambling establishment means a building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in F.S. § 849.161.

Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization. The term does not include the possession, use, or administration of cannabis or cannabis derivative by burning or igniting and inhaling the smoke. See s. 385.211, F.S.

Medical marijuana means low- THC cannabis permitted by the State of Florida for the treatment of medical conditions.

Medical marijuana cultivation means a location where the dispensing organization has been authorized by the State of Florida to cultivate medical marijuana. This includes research carried out by entities permitted by the State to carry out such research.

Medical marijuana dispensary means a location where the dispensing organization has been authorized by the State of Florida to dispense medical marijuana at retail to those individuals who have been added to the State's compassionate use registry by an authorized physician.

Medical marijuana processing means a location where the dispensing organization has been authorized by the State of Florida to process medical marijuana.

Non-medical marijuana cultivation means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is cultivated.

Non-medical marijuana dispensary means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is distributed at retail.

Non-medical marijuana processing means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is processed.

Pawn shop means an establishment that engages, in whole or in part, in lending or providing an advance of money or other things on the pledge and possession of personal property or secondhand goods, except for regulated metals property regulated under Chapter 538, Part II, Florida Statutes, or other than securities or written or printed evidences of indebtedness. The seller of such personal property or secondhand goods may be able to purchase back the items sold to the establishment upon stipulated terms. Merchandise and other secondhand goods may be available for purchase by customers of the establishment. This term shall not include financial institutions, retail sales establishments, or consignment shops.

Precious metals dealer has the meaning as defined in Section 538.03, Florida Statutes.

Tattoo parlor/Body-piercing studio means an establishment whose principal business activity 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 such means, including but not limited to, 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.

| Utility, minor, means infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, distribution electric substations, as defined in Section 163.3208, Florida Statutes, stormwater retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops.