

ORDINANCE 22-15

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS ("LDRS"); AMENDING SUBPART B OF THE CITY OF ALACHUA CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE 4, SECTION 4.3.4 (J), RELATED TO USE-SPECIFIC STANDARDS FOR VEHICLE SALES AND SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

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

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency ("LPA"), on June 2, 2022; and

WHEREAS, the LPA conducted a public hearing on the proposed Amendment on June 14, 2022, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on June 16, 2022 and on July 14, 2022; and

WHEREAS, the City Commission conducted public hearings on the proposed Amendment on June 27, 2022 and July 25, 2022, and provided for public participation at both public hearings; and

WHEREAS, the City Commission has determined and found 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;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION 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 Amendment to the City 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 9. Effective Date

This ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

Passed on First Reading the 27th day of June 2022.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 25th day of July, 2022.

**CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA**

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Mike DaRoza, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

Section 4.3.4 (J) of the City’s LDRs 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 Section 2.4.10(B)(3) remains in full force and effect:

Sec. 4.3. Use specific standards.

4.3.4 *Business uses.*

(J) *Vehicle sales and services.*

(2) *Automobile rental and sales; recreational vehicle rental and sales; truck or tractor rental or sales.* Automobile rental and sales and truck or tractor rental or sales shall comply with the following standards:

(a) *Minimum separation.* Lots shall be located at least 250 feet from schools, day care centers, residential uses or vacant land in residential zone districts, unless one or more of the following standards are met:

(i) The proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use is located with an intervening arterial or collector street between such use and schools, day care centers, residential uses or vacant land in residential zone districts. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 150% of the required trees and 150% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. The separation between the proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use and schools, day care centers, residential uses or vacant land in residential zone districts may be further reduced to at least 50 feet when an enhanced perimeter buffer is provided at a rate of 200% of the required plantings and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. All plantings shall be spaced to create a visual separation between the proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

(ii) The proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use has frontage

on US Highway 441. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 150% of the required trees and 150% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. The separation between the proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use and schools, day care centers, residential uses or vacant land in residential zone districts may be further reduced to at least 50 feet when an enhanced perimeter buffer is provided at a rate of 200% of the required plantings and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. All plantings shall be spaced to create a visual separation between the proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

The separation distance shall be measured by extending a straight line from the nearest property line of the lot upon which the proposed automobile rental and sales, recreational vehicle rental and sales, or truck or tractor rental or sales use is located to the nearest property line of the school, day care center, residential use, or vacant land in a residential zone district.

- (b) *Displays outside setbacks and buffers.* Not locate vehicle or equipment displays within a required setback or buffer.
- (c) *Landscaping.* Landscape front building and side yard setback areas in accordance with Section 6.2.2, Landscaping standards, to provide a buffer between the right-of-way and heavy equipment sales storage areas. Landscape side yard setbacks if the side yard abuts a public right-of-way.
- (d) *Vehicle display pad.* Not have more than one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade.
- (e) *No display on top of building.* There shall be no vehicle display on top of a building.

- (f) *Vehicle display pad.* Have no racks that tilt vehicles in any way to show the underside, unless they are located inside a show room.
 - (g) *Other materials for sale.* Display no other materials for sale between the principal structure and the street.
 - (h) *Testing.* Not test vehicles on residential streets.
- (3) *Automobile repair and servicing.* Automotive repair and servicing shall comply with the following standards:
- (a) *Minimum separation.* Separation distance shall be measured from lot line to lot line. Lots shall be located at least 250 feet from schools, day care centers, residential uses, or vacant land in residential zone districts, unless one of the following conditions is met:
 - (i) The proposed automobile repair and servicing use is located with an intervening arterial or collector street between such use and schools, day care centers, residential uses or vacant land in residential zone districts. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 300% of the required trees and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2, in addition to a minimum 6-foot opaque fence or wall. All plantings and screening shall be spaced to create a visual separation between the proposed automobile repair and servicing use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.
 - (ii) The proposed automobile repair and servicing use has frontage on US Highway 441. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 300% of the required trees and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2, in addition to a minimum 6-foot opaque fence or wall. All plantings and screening shall be spaced to create a visual separation between

the proposed automobile repair and servicing use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

The separation distance shall be measured by extending a straight line from the nearest property line of the lot upon which the proposed automobile repair and servicing use is located to the nearest property line of the school, day care center, residential use, or vacant land in a residential zone district.

- (b) *Lot dimensions and area.*
 - (i) If located on a corner lot, have a minimum of 150 feet of frontage on each street side, and a minimum area of 20,000 square feet.
 - (ii) In all other instances, have a minimum width of 150 feet and a minimum area of 15,000 square feet.
- (c) *On-site circulation.* Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation and turning movements.
- (d) *Ingress/egress.*
 - (i) Have no more than two driveways or other methods of ingress or egress located at least 150 feet apart.
 - (ii) Methods of ingress/egress shall:
 - a. Not exceed 40 feet in width, exclusive of transitions.
 - b. Not be located closer than 15 feet to any right-of-way lines of any intersection.
 - c. Not be located closer than 15 feet to any other property line.
- (e) *Enclosure.* Repair and store all vehicles within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area that

shall be no larger than 25 percent of the total lot area. Such areas shall be located to the rear of the principal structure and be screened from off-site views. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

- (f) *Public address systems.* Have no outdoor speaker or public address system which is audible from single-family lands.
 - (g) *Trash storage.* Provide adequate, enclosed trash storage facilities on the site.
 - (h) *Testing.* Not test vehicles on residential streets.
 - (i) *Parked vehicles.* Not park or store a vehicle as a source of parts, or park or store a vehicle for the purpose of sale or lease/rent.
 - (j) *Vehicle storage.* Not store or park a vehicle that has been repaired and is awaiting removal for more than 30 consecutive days. In cases where a vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment can demonstrate steps have been taken to remove the vehicle from the premises using the appropriate legal means.
 - (k) *Service bay orientation.* Service bay doors shall not be oriented toward any adjacent uses where the minimum separation requirements apply in (a) above.
- (4) *Boat and marine rental and sales.* Boat and marine rental and sales shall comply with the following standards:
- (a) *Minimum separation.* Lots shall be located at least 250 feet from schools, day care centers, residential uses or vacant land in residential zone districts, unless one or more of the following standards are met:
 - (i) The proposed boat and marine rental and sales use is located with an intervening arterial or collector street between such use and schools, day care centers, residential uses or vacant land in

residential zone districts. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 150% of the required trees and 150% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. The separation between the proposed boat and marine rental and sales use and schools, day care centers, residential uses or vacant land in residential zone districts may be further reduced to at least 50 feet when an enhanced perimeter buffer is provided at a rate of 200% of the required plantings and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. All plantings shall be spaced to create a visual separation between the proposed boat and marine rental and sales use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

- (iii) The proposed boat and marine rental and sales use has frontage on US Highway 441. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 150% of the required trees and 150% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. The separation between the proposed boat and marine rental and sales use and schools, day care centers, residential uses or vacant land in residential zone districts may be further reduced to at least 50 feet when an enhanced perimeter buffer is provided at a rate of 200% of the required plantings and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. All plantings shall be spaced to create a visual separation between the proposed boat and marine rental and sales use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

The separation distance shall be measured by extending a straight line from the nearest property line of the lot upon which the proposed boat and marine rental and sales use is located to the nearest property line of the school, day care center, residential use, or vacant land in a residential zone district.

- (b) *Displays outside setbacks and buffers.* Not locate boat and marine equipment displays within a required setback or buffer.
 - (c) *Landscaping.* Landscape front building and side yard setback areas in accordance with Section 6.2.2, Landscaping standards, to provide a buffer between the right-of-way and heavy equipment sales storage areas. Landscape side yard setbacks if the side yard abuts a public right-of-way.
 - (d) *Vehicle display pad.* Not have more than one boat and marine display pad for every 100 feet of street frontage. The pad may be elevated up to two feet above adjacent displays or grade.
 - (e) *Other materials for sale.* Not display other materials for sale between the principal structure and the street.
- (6) *Gasoline sales (automobile service station, mini-service and self-service).* Gasoline sales (full-service, mini-service and self-service) shall comply with the following standards:
- (a) *Minimum separation.* Lots shall be located at least 250 feet from schools, day care centers, residential uses or vacant land in residential zone districts, unless one or more of the following standards are met:
 - (i) The proposed gasoline sales use is located with an intervening arterial or collector street between such use and schools, day care centers, residential uses or vacant land in residential zone districts. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 150% of the required trees and 150% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. The separation between the proposed gasoline sales use and schools, day care centers, residential uses or vacant land in residential zone districts may be further reduced to at least 50 feet when an enhanced perimeter buffer is provided at a rate of 200% of the required plantings and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. All plantings shall be spaced to create a visual separation between the proposed gasoline sales use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

- (ii) The proposed gasoline sales use has frontage on US Highway 441. In such cases, the minimum separation shall be at least 100 feet, and an enhanced perimeter buffer shall be provided at a rate of 150% of the required trees and 150% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. The separation between the proposed gasoline sales use and schools, day care centers, residential uses or vacant land in residential zone districts may be further reduced to at least 50 feet when an enhanced perimeter buffer is provided at a rate of 200% of the required plantings and 200% of the required width of a Type D perimeter buffer as set forth in Table 6.2-2. All plantings shall be spaced to create a visual separation between the proposed gasoline sales use and schools, day care centers, residential uses, or vacant land in a residential zone district and to ensure adequate area for full growth of planted trees.

The separation distance shall be measured by extending a straight line from the nearest property line of the lot upon which the proposed gasoline sales use is located to the nearest property line of the school, day care center, residential use, or vacant land in a residential zone district.

- (b) *Lot dimensions and area.*
 - (i) If located on a corner lot, have a minimum of 150 feet of frontage on each street side, and a minimum area of 20,000 square feet.
 - (ii) In all other instances, have a minimum width of 150 feet and a minimum area of 15,000 square feet.
- (c) *Methods of ingress/egress.*
 - (i) Have no more than two driveways or other methods of ingress or egress located at least 150 feet apart.
 - (ii) Methods of ingress/egress shall:
 - a. Not exceed 40 feet in width, exclusive of transitions.
 - b. Not be located closer than 15 feet to any right-of-way lines of any intersection.

- c. Not be located closer than 15 feet to any other property line.
- (d) *Location of gasoline pumps.* Locate no gasoline pump within 15 feet of any street right-of-way line; where a greater street setback line has been established, locate no gasoline pump within 15 feet of such setback line. Pumps shall be protected from vehicle impact with bollards or other physical structures.
- (e) *On-site circulation.* Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation and turning movements.
- (f) *Trash storage.* Provide adequate, enclosed trash storage facilities on the site.
- (g) *Storage and accessory sales of materials and equipment.*
 - (i) Have no outdoor displays of materials or equipment, including tires, except in a display rack for automobile products no more than four feet wide, maintained within three feet of a principal building. There shall be a limit of one display rack per street frontage.
 - (ii) Not store any unlicensed, inoperable or junked vehicles.
- (h) *No outdoor sale of oil, grease, auto parts.* Where mini-service and self-service facilities sell food, hardware, drugs and related items, in conjunction with gas, prohibit the outdoor sale of oil, grease, parts or accessories for automobiles and related items, and no service except for self-service water, air or carwash.
- (i) *Repair work.* In a full-service station, ensure all repair work, vehicle washing, lubrication, and installation of parts and accessories is performed within an enclosed structure.
- (j) *Storage of automobiles.* In a full-service station, store all automobile parts, dismantled vehicles, and similar materials within an enclosed building or totally screen them from view by a solid or privacy fence. A chainlink fence with slats shall not constitute acceptable screening or fencing.
- (k) *Automotive repair and servicing.* If a full-service gasoline sales use provides automotive repair and servicing, it shall comply with all the standards listed for automobile repair and service stations (Subsection 4.3.4(J)(3) of this section, Automobile repair and servicing).