



# City of Alachua

## Planning & Community Development Department Staff Report

### Planning & Zoning Board Hearing Date: Legislative Hearing

March 13, 2018

**SUBJECT:** A Staff-initiated amendment to the City's Land Development Regulations (LDRs)

**APPLICANT/AGENT:** City of Alachua

**PROJECT PLANNERS:** Kathy Winburn, AICP; Justin Tabor, AICP; Adam Hall, AICP

**RECOMMENDATION:** Staff recommends that the Planning & Zoning Board find the proposed Text Amendments to the City's Land Development Regulations to be consistent with the City of Alachua Comprehensive Plan and in compliance with the City's Land Development Regulations and transmit such finding to the City Commission with a recommendation to approve.

**RECOMMENDED MOTION:** *This Board finds that the proposed text amendments to the City's Land Development Regulations to be consistent with the City of Alachua Comprehensive Plan and in compliance with the City's Land Development Regulations and transmits such finding to the City Commission with a recommendation to approve.*

## **SUMMARY**

In the process of implementing the City's Land Development Regulations (LDRs), Staff has identified various subsections which are either challenging for Staff to implement, challenging for the application of the subsection to be met by a landowner / developer, or the subsection is in need of further clarification. Similarly, Staff has identified various aspects of land use and development which currently are not fully or clearly addressed by the LDRs.

In an effort to improve and further clarify the implementation of the LDRs, Staff proposes to amend the LDRs, as further described below. The last comprehensive review and amendment of the LDRs for such purposes occurred in spring 2016.

Each proposed amendment and a staff comment further elaborating upon the purpose of the amendment is provided below.

## **PROPOSED LDR TEXT AMENDMENTS**

### **AMENDING SECTION 1.4.5 TO EXEMPT CERTAIN PUBLIC INFRASTRUCTURE PROJECTS FROM THE REQUIREMENTS OF THE CITY'S LDRS**

#### **1.4.5 Exemptions.**

- (A) *Acquisition of interests in land by government and construction of public infrastructure for public purpose. The provisions of these LDRs shall not require ~~formal~~ subdivision of land in accordance with Section 2.4.10 as a result of actions taken by the City of Alachua, Alachua County, the School Board of Alachua County, or the State of Florida to acquire land or interest in land for public use, right-of-way (ROW), or easements. The permits as set forth in Article 2, Administration, shall not be required for public infrastructure projects, such as road construction / reconstruction projects, water / wastewater line installations, and other similar projects, undertaken by the City of Alachua, Alachua County, or the State of Florida.*

**Staff Comment:** The proposed amendments would clarify current interpretation and implementation of other provisions of the LDRs, such as Section 2.4.9(C)(5), which exempts minor utilities from Site Plan review. This amendment would clearly exempt public infrastructure projects, such as road construction and reconstruction or public utility installations (i.e., water and wastewater lines) performed by the City, County, or State from obtaining any permits as set forth in Article 2 of the LDRs.

Public infrastructure projects will continue to meet the standards of applicable design documents and manuals, such as the Florida Greenbook standards for roadway design, construction, and maintenance.

**AMENDING SECTION 1.7.7 TO DELETE A REQUIREMENT TO AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION AND ZONING DESIGNATION ON ANNEXED LANDS WITHIN ONE YEAR OF THE EFFECTIVE DATE OF AN ANNEXATION AND TO CLARIFY EXISTING REGULATIONS PERTAINING TO COMPREHENSIVE PLAN AMENDMENTS AND SITE-SPECIFIC AMENDMENTS TO THE OFFICIAL ZONING ATLAS FOLLOWING THE ANNEXATION OF LAND**

1.7.7 *Annexation.* If lands are annexed into the City, the lands shall retain their current unincorporated zone district classification until ~~the City adopts~~ an amendment to the Comprehensive Plan is adopted by the City which includes the area being annexed. The landowner may request, or the City Commission or Planning and Zoning Board, in the City's sole discretion, may initiate a zone district classification in accordance with Section 2.4.2, Site specific amendments to Official Zoning Atlas, following adoption of the Comprehensive Plan amendment ~~related to the land~~. The zone district classification shall be consistent with the Comprehensive Plan Future Land Use Map Designation. No development, redevelopment, or expansion shall be initiated until the City adopts an amendment to the Comprehensive Plan and Official Zoning Atlas for the area being annexed. ~~An amendment to the Comprehensive Plan and Official Zoning Atlas shall be initiated by the property owner within one year from the effective date of the annexation.~~

**Staff Comment:** The proposed amendments would clarify current interpretation and implementation of this section and remove a requirement to change the land use and zoning of annexed property within one year of the annexation. This provision is difficult to enforce, and its purpose would remain in effect by requiring such amendments before any development, redevelopment, or expansion may occur on annexed lands prior to changing the land use and zoning of the property.

**AMENDING SECTION 2.2.2(C)(3) TO CLARIFY THE INSTANCES IN WHICH A DEVELOPMENT APPLICATION FEE MAY BE REFUNDED**

2.2.2 *Application contents, submission schedule, and fees.*

(C) *Fees.*

(3) Application fees, or portions thereof, are not refundable except where the LDR Administrator determines that an application was accepted in error, the fee paid exceeded the amount due, the application is withdrawn prior to notification of a public hearing (if required), or if the decision-making body or City staff determines the application has been submitted in good faith, but circumstances beyond the applicant's control result in a need to withdraw the application. In no instance shall an application fee, or any portion thereof, be refunded for any costs incurred by the City and directly related to the review of the application, which may include, but is not limited to, review by City Staff or consulting professionals.

**Staff Comment:** This amendment clarifies and incorporates the policy established in the fee resolution (Resolution 16-13, Section 2., #1) and would further ensure appropriate fiscal practices for refund requests.

## AMENDING SECTION 2.2.3(E) TO CLARIFY THE REQUIRED NOTICE AND CONTENT OF A REQUEST FOR PREAPPLICATION CONFERENCES

### 2.2.3 *Preapplication conference.*

- (E) *Required information.* Applicants for required preapplication conferences shall provide a written description of the proposal to the LDR Administrator at least three business days in advance of the conference. The written description shall include, at a minimum, a description of the character, location, and magnitude of the proposed development, a concept or sketch plan (if applicable), information regarding the status of public facilities proposed to serve the development, basic environmental information, and any other information determined to be appropriate by the LDR Administrator.

**Staff Comment:** This amendment would clarify the intended notice requirements for Pre-Application Conferences, ensuring adequate review time is provided to the City in advance of such conferences. This amendment would also clarify the information required to be submitted with a request for a Pre-Application Conference.

## CREATING A NEW SECTION 2.2.3(G) TO ADDRESS THE TIMING OF A PREAPPLICATION CONFERENCE WHEN A NEIGHBORHOOD MEETING ALSO IS REQUIRED

### 2.2.3 *Preapplication conference.*

- (G) *Preapplication Conference to be held prior to neighborhood meeting.* When a preapplication conference and a neighborhood meeting are both required for an application, the preapplication conference shall be held before the neighborhood meeting for the application.

**Staff Comment:** This amendment would reinforce and clarify the review flow for development applications as presently established within flowcharts throughout Section 2.4 of the LDRs.

## AMENDING SECTION 2.2.9(A) TO DELETE THE REQUIREMENT FOR PUBLIC NOTICES TO STATE THE DATE OF APPLICATION FILING

### 2.2.9 *Public notification.* All applications for development approval requiring public hearings shall comply with the Florida Statutes, Table 2.2-2, Timing of Required Notice, and the other provisions of this section with regard to public notification.

- (A) *Content.* All notices for public hearings, unless expressly noted otherwise, whether done by mail (written notice), publication, or posting shall:
- (1) *Application and applicant.* Identify the application ~~and date of filing~~, and the name of the applicant or the applicant's agent (except posted notice).

**Staff Comment:** Staff finds the requirement to place the date of application filing on public notices does not provide substantive information to the public, and as such, recommends deletion of this requirement.

## AMENDING SECTION 2.2.15(B) TO CLARIFY THE APPLICABILITY OF TIME FRAMES RELATED TO PERMIT EXTENSIONS

### 2.2.15 Lapse of approval (expiration).

- (B) *Extension.* Upon written application submitted at least 30 days prior to the expiration of the development permit period by the applicant, and upon a showing of good cause, the decision-making body or LDR Administrator, as applicable to the original application approval, (whoever approved the original application) may grant one extension not to exceed six months; provided however, that if a different time frame is otherwise established within these LDRs for a specific development permit, such timeframe for the specific development permit shall apply. The development permit approval shall be deemed extended until the decision-making body or LDR Administrator has acted upon the request for extension. Failure to submit an application for an extension within the time limits established in the development permit, appeal, or by this section shall result in the lapse of approval.

**Staff Comment:** This amendment would ensure internal consistency with another section proposed to be amended – Section 2.4.9(G)(2) (see below).

## AMENDING SECTION 2.4.9(G)(2) TO AMEND THE MAXIMUM EXTENSION PERIOD FOR A SITE PLAN PERMIT

### 2.4.9 Site plan.

#### (G) Expiration.

- (2) *Extension.* Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant and upon a showing of good cause, the PZB may grant one extension not to exceed ~~six~~ 12 months. The approval shall be deemed extended until the PZB has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the site plan void.

**Staff Comment:** This amendment would provide an additional six months for development permit extensions for site plans, providing projects additional time to begin construction.

**AMENDING SECTION 2.4.10 TO EXEMPT ROADWAY IMPROVEMENT PROJECTS IDENTIFIED IN THE CITY'S LONG RANGE TRANSPORTATION PLAN (LRTP) FROM SUBDIVISION REVIEW; TO REQUIRE SUCH PROJECTS TO POST SURETY IN ACCORDANCE WITH SECTION 6.10 AND SECTION 7.4, AS APPLICABLE; TO PERMIT AN APPLICATION FOR A SITE PLAN TO BE REVIEWED CONCURRENTLY WITH AN APPLICATION FOR A FINAL PLAT; TO CLARIFY EXISTING REQUIREMENTS CONCERNING THE PREPARATION OF PLATS; TO REVISE THE REQUIREMENTS FOR MINOR SUBDIVISIONS; TO REVISE THE APPLICABILITY AND REVIEW PROCEDURES FOR SUBDIVISIONS USING THE CONSERVATION SUBDIVISION OPTION; TO AMEND THE REQUIREMENT TO RECEIVE CONSTRUCTION PLAN APPROVAL WITHIN 12 MONTHS OF THE PRELIMINARY PLAT APPROVAL; AND TO AMEND THE REVIEW AND RESPONSE PERIOD FOR CONSTRUCTION PLANS.**

2.4.10 *Subdivision.*

(B) *Applicability.*

(2) *Overview of development permits required.*

(a) Every subdivision of land is classified as either:

- (1) A minor subdivision; or
- (2) A major subdivision.

A final plat shall be approved by the City Commission and recorded in the Official Records of Alachua County for a subdivision prior to the transfer of title or sale of any lots for the land subject to subdivision.

- (b) For nonresidential subdivisions, an application for a site plan (subsection 2.4.9 of this section) approval may run concurrently with an application for construction plans or an application for a final plat. A nonresidential subdivision is not required to show the division of any land into lots or parcels, but shall show all streets and other required infrastructure improvements.

**Staff Comment:** As currently written, Section 2.4.10(B)(2)(b) permits a site plan to be reviewed concurrently with construction plans. A final plat is the next subdivision review process following the approval of construction plans, therefore, it is reasonable to permit site plans to also be reviewed concurrently with a final plat application.

(3) *Exemptions.* The following development shall be exempt from the requirements of this section:

- (a) *Subdivision into tracts.* Notwithstanding the requirements of Chapter 177, Florida Statutes, the ~~The~~ subdivision of land into two or more tracts of five acres in size or larger provided that no new streets or changes to existing street alignments are proposed, and provided that each tract meets the dimensional standards of these LDRs and has direct access to a public street.

**Staff Comment:** The amendments to Section 2.4.10(B)(3)(a) would ensure the exemption does not conflict with the requirements within Florida Statutes which regulate the subdivision of land and would further clarify the current interpretation of the section.

- (b) *Lot split.* A lot split, ~~or the~~ consisting of a division of a ~~parent tract~~ lot of record into no more than two lots, as long as the lot area complies with the dimensional standards of these LDRs. This exemption does not apply to lots within an existing platted subdivision.

**Staff Comment:** The amendments to Section 2.4.10(B)(3)(b) would further clarify the current interpretation and implementation of the section.

- (c) *Land for widening or opening streets.* The public acquisition by purchase of strips of land for the widening or opening of new streets.
- (d) *Partition of land by court.* The partition of land by court decree.
- (e) *Transfer by sale or gift.* The transfer of property without subdivision by sale, gift, succession, or for the purposes of dissolving tenancy in common among tenants.
- (f) *Nonresidential and/or multifamily development.* A development consisting of multifamily, office, commercial, and/or industrial development requiring site plan review pursuant to section 2.4.9 of these LDRs, provided that such development would not result in the creation, relocation, or extension of any street. Such development shall comply with Chapter 177, Part I, Florida Statutes and shall not constitute a division, resubdivision, or combination/consolidation as defined in subsection 2.4.10(B)(1)(a) through (d). Site plans for such development shall indicate the location and specifications of all utility infrastructure, including but not limited to water, wastewater, and electrical facilities, serving the development. This exemption shall not preclude a developer from subdividing a multifamily, office, commercial, and/or industrial development pursuant to this section 2.4.10.

(g) *Roadway improvement projects identified in Long Range Transportation Plan.* Roadway improvement projects involving the creation, relocation, or extension of a street or modifications to streets that are identified in the adopted City of Alachua Long Range Transportation Plan, provided however that when the roadway improvement will be performed by an entity other than the City of Alachua, Alachua County, or State of Florida, a surety device in accordance with Section 7.4, Improvement guarantees for public improvements, or Section 6.10, Improvement guarantees for private improvements, as applicable, shall be posted with the City to cover at least 125 percent of the estimated cost of all public or private improvements.

**Staff Comment:** This amendment would exempt road improvement projects which are included within the City's adopted Long Range Transportation Plan (LRTP) from subdivision review. Projects included within the LRTP have been demonstrated, through an open, public process of adopting the LRTP, as needed to serve the long-term mobility needs of the City. When, however, such projects are to be performed by an entity other than the City, County, or State, the proposed amendment would require a surety instrument be posted to cover the construction costs to complete the project, should the need arise.

~~(g)(h)~~ *Existing nonresidential and/or multifamily development.* Existing multifamily, office, commercial and/or industrial development when the development:

- (1) Has received approval of a site plan pursuant to section 2.4.9 of these LDRs; and
- (2) All public and private utility infrastructure approved by the site plan has been constructed; and
- (3) All public utility infrastructure has been accepted by the applicable entity.

(E) *Preparation of plats.* All final plats shall be prepared by a surveyor registered in the State of Florida and preliminary plats and construction plans and specifications for required improvements shall be prepared by ~~a~~an engineer registered in the State of Florida. The subdivider shall present ~~a~~letter documentation to the LDR Administrator certifying that the subdivider has employed a registered surveyor and a registered engineer in the preparation of these documents.

**Staff Comment:** By virtue of the preparation and seal of the design professional on a plat or construction plans, the intent of this provision is met. Therefore, there is not a need to



provide a separate letter affirming an engineer has prepared a preliminary plat or construction plans, or that a surveyor has prepared a final plat.

(F) *Minor subdivision.*

- (1) *Generally.* Excluding subdivisions exempted by Subsection 2.4.10(B)(3) of this section, Exemptions, minor subdivisions constitute:
  - (a) The subdivision of land into six or fewer lots, provided that:
    - (i) No new streets, alleys, or other public ways are created;
    - (ii) No changes are made to the existing rights-of-way of any streets, alleys or other public ways;
    - (iii) No new utilities are required to serve the subdivided land;
    - (iv) The division of land complies with the standards of Article 7, Subdivision Standards;
    - (v) No flag lot is created ~~in a residential district that is inconsistent with existing development patterns~~; and
    - (vi) The lots have direct access onto a public street that has been accepted for maintenance by the appropriate jurisdiction.

**Staff Comment:** Flag lots are lots that are provided access by a narrow strip of land, which is a part of the lot, to a road. General planning principles discourage flag lots, as they result in irregular development patterns (i.e., structures not uniformly along a road frontage) and can pose access limitations for emergency response. Staff has found that the current provision requiring that a minor subdivision not create a flag lot in a residential district that is “inconsistent with existing development patterns” is difficult to implement. As such, Staff recommends removing the existing language that permits flag lots for minor subdivisions, and would thereby require all subdivisions to be designed such that each lot meets the intent of the dimensional standards set forth in Article 5 of the LDRs, such as minimum lot width and lot configuration requirements.

- (b) Revisions of single lots within an existing platted subdivision.
- (c) The subdivision of land into 50 or fewer single-family detached or attached lots where a minimum of 25 percent of the lots are restricted for affordable housing for low-income residents.
- ~~(d) The subdivision of land using the conservation subdivision option in the Agricultural District in accordance with Section 7.9, Conservation subdivision.~~

**Staff Comment:** The existing standard which permits a conservation subdivision to be reviewed as a minor subdivision appears to have been placed in the LDRs as a method to encourage a property owner to utilize the conservation subdivision option. A conservation subdivision is a subdivision of agriculturally zoned lands, where the lot area of individual lots is reduced (from a minimum 5 acres to a minimum of 1 acre) in order to provide a larger unified open space set-aside. This can foster the protection and preservation of sensitive environmental or agricultural features and resources.

The current regulations pertaining to conservation subdivision were adopted in 2006. Since their adoption, the City has not received a development plan utilizing the conservation subdivision option. While the intent to allow conservation subdivisions to be reviewed as a minor subdivision serves as a positive means by which to encourage such development, it



eliminates the process by which subdivision infrastructure improvements are commonly reviewed (construction plans).

It is likely that a conservation subdivision would result in new roadways and electric facilities, and could possibly require development of other utilities (such as water and/or wastewater infrastructure). Since the current regulations would permit a conservation subdivision to be reviewed as a minor subdivision, construction plans would not be required, and thus, a clear mechanism to review the infrastructure design, would not be provided.

(G) *Major subdivision.*

(2) *Preliminary plat.*

(h) *Expiration.*

- (i) The approval of a subdivision preliminary plat shall expire at the end of 12 months from the date approval was granted by the City Commission unless the applicant has ~~received approval of~~submitted construction plans.

(3) *Construction plans.*

- (a) *Generally.* Within 12 months of the approval of the subdivision preliminary plat, Construction plans shall be ~~reviewed-submitted~~ in accordance with this section. Construction plans are engineered drawings depicting the precise design, location, and profile of all public facilities proposed for development of the subdivision, including, but not limited to, streets, street markings, street signs, sidewalks, public pedestrian pathways or trails, potable water lines, sanitary sewer lines, public utility meter locations, storm drains, fire suppression systems, and locations of conduit crossings for private utilities.
- (c) *Review and action by LDR Administrator.* The LDR Administrator shall review and take action on the construction plans in accordance with Section 2.2.13, Review by LDR Administrator ~~within 30 days of acceptance of a complete application.~~

**Staff Comment:** The requirement to review and respond to construction plans within 12 months of the approval of a preliminary plat potentially places a burden on City Staff, in the instance that construction plans are received near the end of the 12 month period. This amendment would remove this potential time constraint, and would provide more flexibility to the applicant/developer, by providing additional time to submit construction plans to the City within the currently established timeframes.

- (g) *Appeal to ~~City Commission~~Board of Adjustment.* A decision on construction plans may be appealed to the ~~City Commission~~Board of Adjustment in accordance with the procedures of ~~Subsection 2.4.9(I) of this section~~Section 2.4.20, Appeal of interpretation or decision by LDR Administrator.

**Staff Comment:** Other appeals for decisions made by the LDR Administrator are reviewed by the Board of Adjustment. While the City Commission also serves as the Board of Adjustment, this amendment ensures the appeals procedures are consistent throughout the LDRs.

## AMENDING SECTIONS 3.6.3(A)(5), 3.6.3(C)(5), AND 3.6.3(D)(5) FOR INTERNAL CONSISTENCY

### 3.6.3 Additional standards for PD districts.

#### (A) PD-R, Planned Development-Residential District.

- (5) *Development standards.* Unless otherwise specifically modified by a PD Master Plan, development in a PD-R district shall comply with the applicable standards Article 6, Development Standards, ~~and Article 7, Subdivision Standards~~. All modifications to a development standard in Article 6 ~~or Article 7~~ shall be consistent with this section, and shall be included as a part of the PD Master Plan.

#### (C) PD-EC, Planned Development-Employment Center District.

- (5) *Development standards.* Unless otherwise specifically modified by a PD Master Plan, development in a PD-EC district shall comply with the applicable standards Article 6, Development Standards, ~~and Article 7, Subdivision Standards~~. All modifications to a development standard in Article 6 ~~or Article 7~~ shall be consistent with this section, and shall be included as a part of the PD Master Plan.

#### (D) PD-COMM, Planned Development-Commercial District.

- (5) *Development standards.* Unless otherwise specifically modified by a PD Master Plan, development in a PD-COMM district shall comply with the applicable standards Article 6, Development Standards, ~~and Article 7, Subdivision Standards~~. All modifications to a development standard in Article 6 ~~or Article 7~~ shall be consistent with this section, and shall be included as a part of the PD Master Plan.

**Staff Comment:** The specific LDR sections for which a modification to development standards may be proposed by a PD Master Plan are defined in Tables 3.6-1, 3.6-2, 3.6-3, and 3.6-4. There are no standards from Article 7 shown in these tables for which a modification may be proposed by a PD Master Plan. As such, Staff recommends deleting the references to Article 7 from Sections 3.6.3(A) – (D) for internal consistency.

## AMENDING TABLE 4.1-1 TO IDENTIFY ANIMAL SHELTERS AS A PERMITTED USE IN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT AND TO IDENTIFY RESTAURANTS WITH OUTDOOR SEATING AS A PERMITTED USE IN THE CI ZONING DISTRICT

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														
Animal shelter		S											S		<u>P</u>					A				4.3.3(C)(2)
Restaurant, with outdoor seating									S	S	S	P	P	P	<u>S</u> <u>P</u>	P	S			A	A	A	A	4.3.4(A)(1)

**Staff Comment:** Staff finds that, since animal shelters are permitted in the Community Commercial (CC) zoning district by Special Exception Permit, it is appropriate to permit this use in the Commercial Intensive (CI) zoning district. The Use-Specific Standards presently established within Section 4.3.3(C)(2) would address compatibility of the use with surrounding uses when located in the CI zoning district. Similarly, restaurants with outdoor seating are permitted without requiring a Special Exception Permit in zoning districts which are less intense than the CI zoning district. There does not appear to be a clear purpose to requiring a Special Exception Permit when this use is located in the CI zoning district. Compatibility between restaurants with outdoor seating and surrounding uses is addressed by the Use Specific Standards presently established in Section 4.3.4(A)(1), which would also be applicable to restaurants with outdoor seating in the CI zoning district.

#### AMENDING TABLE 4.4-1 TO IDENTIFY SWIMMING POOLS, HOT TUBS, AND ORNAMENTAL PONDS AND POOLS AS A PERMITTED ACCESSORY USE IN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT

Table 4.4-1. Table of Permitted Accessory Uses																								
A = Permitted      Blank = Prohibited																								
Accessory Use Type	CSV	A	Residential								Business								Planned Development				Additional Requirements	
			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														
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		

**Staff Comment:** Swimming pools are a common component of certain highway / tourist oriented uses, such as hotels. This amendment would clearly permit swimming pools, hot tubs, and ornamental ponds and pools as an accessory use within the Commercial Intensive (CI) zoning district.

#### AMENDING SECTION 4.5.6(D)(4) FOR INTERNAL CONSISTENCY

4.5.6 *Specific regulations for certain temporary uses and structures.*

(D) *Sale/display of goods other than agricultural products.*

(4) *Duration; sales per year.*

- (a) *Generally.* The temporary sale of nonagricultural products shall be allowed on an individual parcel or site for no more than ~~120-90~~ total days per calendar year.
- (b) *Sales products per site.* The number of temporary sales of products per site per calendar year shall not exceed ~~five~~ three.

**Staff Comment:** Table 4.5-1 establishes allowable timeframes for permitted accessory uses and structures. This amendment would ensure the timeframes established in Section 4.5.6(D) are consistent with those established in Table 4.5-1.

### AMENDING SECTION 6.1.3(N) FOR INTERNAL CONSISTENCY

#### 6.1.3 General standards for off-street parking and loading.

- (N) *Large retail establishments.* Off-street surface parking serving a large retail establishment shall be located and configured in accordance with the standards of this section and Section ~~6-8-56.8.3(D)~~, Off-street parking.

**Staff Comment:** This amendment corrects a scrivener's error.

### AMENDING SECTION 6.1.4(B)(2) TO CLARIFY THE EXISTING REGULATIONS RELATED TO EXCEPTIONS FROM OFF-STREET PARKING REQUIREMENTS AND CREATING A NEW SECTION 6.1.4(B)(2)(d) TO PROVIDE AN EXCEPTION FROM OFF-STREET PARKING REQUIREMENTS FOR DEVELOPMENT A DEFINED AREA ALONG MAIN STREET

#### 6.1.4 Off-street parking standards.

(B) *Amount required.*

(2) *Exceptions for certain zone districts.*

- (a) ~~Notwithstanding the requirements of Subsection 6.1.4(B)(1) of this section, no~~ No parking shall be required for any uses and activities in the CSV district.
- (b) ~~Notwithstanding the requirements of Subsection 6.1.4(B)(1) of this section, the~~ The minimum number of required off-street parking spaces shall be reduced by 50 percent in the CBD district. Uses in the CBD district are not precluded from utilizing the alternative compliance standards in Section 6.1.11.
- (c) ~~Notwithstanding the requirements of Subsection 6.1.4(B)(1) of this section, no~~ No off-street parking shall be required for any use or activity existing on February 27, 2006. However, if a residential use existing at the time of February 27, 2006, is changed, then off-street parking shall be provided as required in accordance with this section. In addition, uses in buildings constructed after the effective date of these LDRs shall provide off-street parking as required in accordance with this section.
- (d) Off-street parking shall not be required for new development, redevelopment, or additions to an existing development when the development, redevelopment, or addition is adjacent to Main Street and located between NW 150<sup>th</sup> Avenue and NW 145<sup>th</sup> Avenue, when it is demonstrated that no feasible option exists to provide off-street parking in accordance with Subsection 6.1.4(B)(1). When it is demonstrated that no feasible option exists to comply with the off-street parking standards established in Subsection 6.1.4(B)(1), but a fractional portion of the required off-street parking could be provided, the development, redevelopment, or addition to existing development shall provide such fractional portion of the off-street parking requirement.

**Staff Comment:** Section 6.1.5(B)(2)(b) currently provides for a parking reduction by 50% of the minimum required parking for development within the Central Business District (CBD). CBD zoning is generally located within the downtown area of the City, along Main Street and parts of Alachua Towne Centre.

In certain instances, particularly for buildings along Main Street, there may be no area where off-street parking can be provided on the premises. As such, Staff recommends establishing an exemption to the parking requirements for properties adjacent to Main Street and located between NW 150<sup>th</sup> Avenue and NW 145<sup>th</sup> Avenue. The properties within this boundary are those primarily where no feasible option exists to provide off-street parking on premises.

This amendment would, however, require that any development, redevelopment, or addition to existing development provide the minimum required off-street parking when a part of the premises could be used to meet, in whole or in part, the minimum required parking standards. Such determination would be part of the review of plans to expand development on property within this area or other applicable permitting for a proposed use, including but not limited, to site plan review, building permit application reviews, and Local Business Tax Receipt / Certificate of LDR Compliance reviews.

## **AMENDING SECTION 6.8.1(B) TO REQUIRE COMPLIANCE WITH THE DESIGN STANDARDS FOR BUSINESS USES FOR DEVELOPMENT WITHIN 500 FEET OF US HIGHWAY 441**

### **6.8.1 *Applicability.***

- (B) *Exemptions.* Use types within the industrial services, manufacturing and production, warehouse and freight movement, waste-related services, and wholesale sales use categories are exempt from the requirements of this section, except when all of or a portion of a building utilized for such use is within 500 feet of the right-of-way of US Highway 441.

**Staff Comment:** Policy 1.3.f of the Comprehensive Plan Future Land Use Element designates the US 441 corridor as a “Corporate Corridor Activity Center”, and states, “[t]he intent of establishing this activity center is to implement economic development objectives and to promote a coordinated development plan to maximize existing and future land use patterns and preserve the function of the US 441 corridor.”

Design standards for business uses have been in effect since the adoption of the current LDRs in 2006. The design standards adopted in 2006 primarily addressed development when the floor area of a single tenant retail sales or services use is 20,000 square feet or greater in area. In 2016, the City adopted design standards for business uses for development where a single tenant retail sales or services use is less than 20,000 square feet in area. The design standards adopted in 2016 also apply to all other business use types (those not classified as “retail sales and services” uses), regardless of the floor area of any tenant.

Certain industrial use types, however are exempt from the design standards adopted in 2016. These industrial use types include those use types within the industrial services, manufacturing and production, warehouse and freight movement, waste-related services, and wholesale sales use categories.

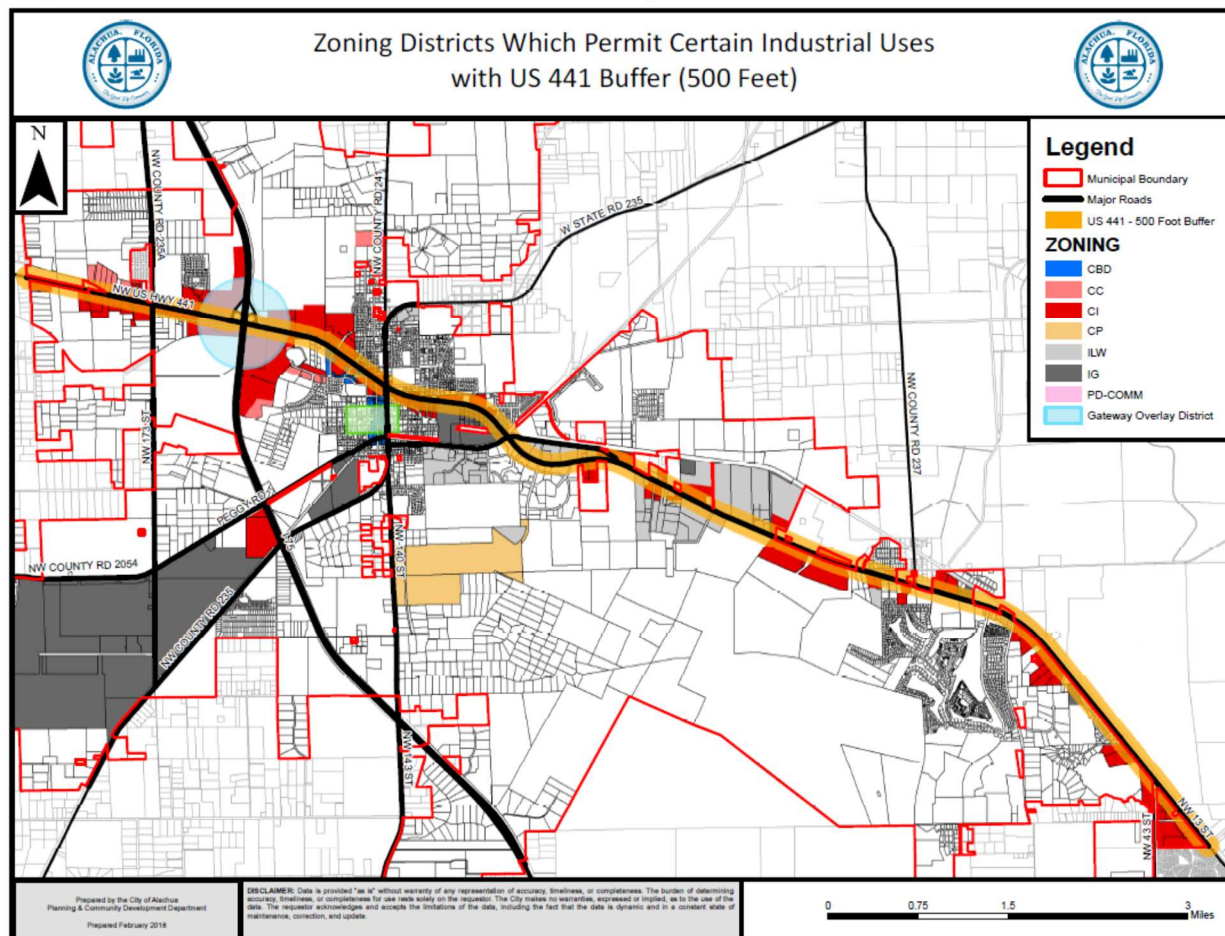
Since adoption in 2016, the implementation of the standards has functioned well. Development proposals have generally been able to meet the design standards with minimal alterations to the plans after review by the City.



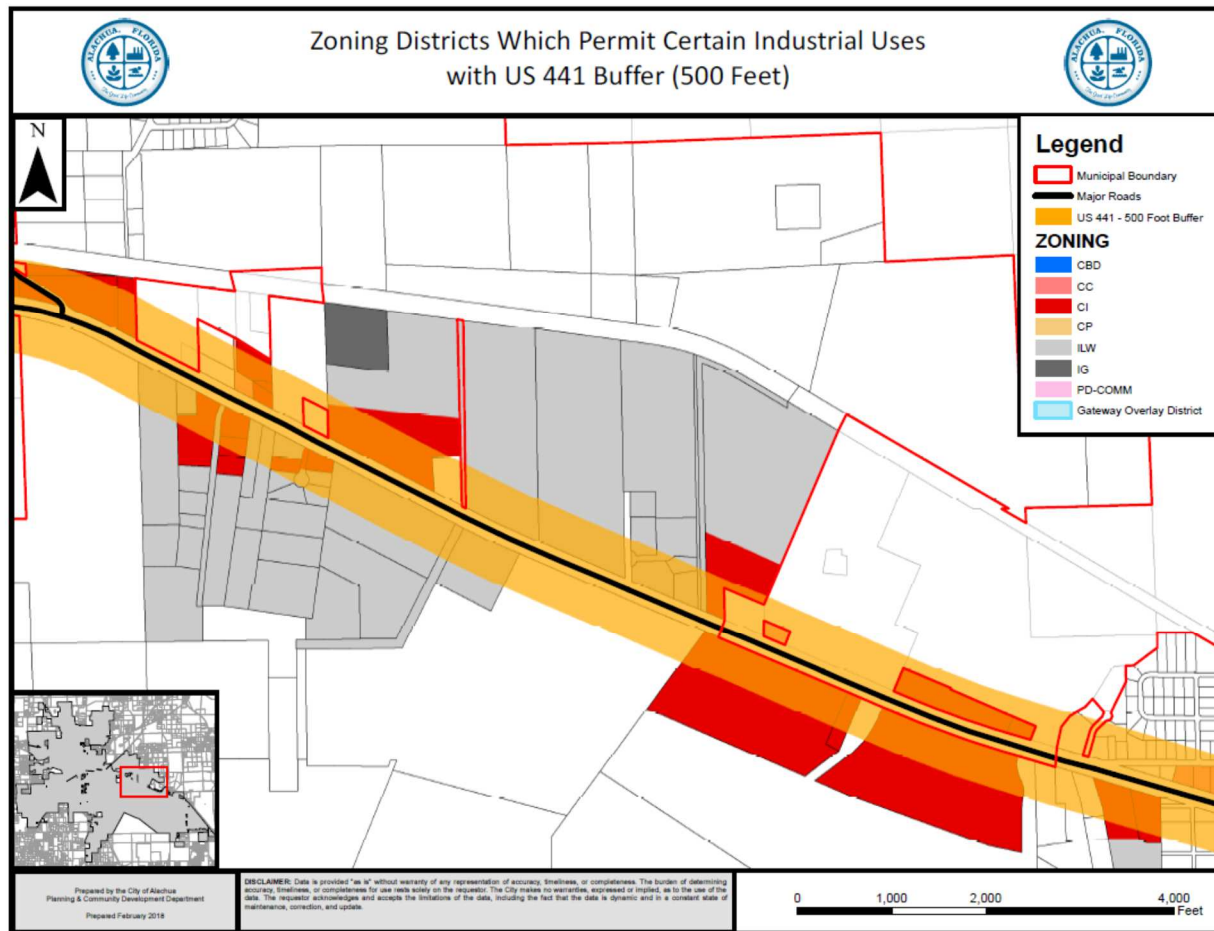
To further implement and further the intent of Policy 1.4.f of the Future Land Use Element, Staff recommends requiring uses within the industrial services, manufacturing and production, warehouse and freight movement, waste-related services, and wholesale sales use categories to meet the design standards for business uses when the use would be substantially visible from US 441. This amendment would require buildings which are a part of such use types to meet the design standards when all of or a portion of a building is within 500 feet of the right-of-way of US 441. This amendment would further the City's long-established desire to encourage economic development within this corridor and would also ensure that such development is coordinated and visually compatible throughout the corridor.

Maps 1 below depicts the zoning districts which permit use types within the industrial services, manufacturing and production, warehouse and freight movement, waste-related services, and wholesale sales use categories. Map 1 also depicts the approximate bounds of the applicability of the proposed amendment (lands within 500 feet of the US 441 right-of-way). Map 2 depicts an inset of Map 1, depicting an area generally from the Upland Industrial Park area to the Hague area, where vacant lands zoned for these use types are located.

**Map 1. 500 Foot Buffer from US 441 & Zoning District Which Permit Industrial Uses**



**Map 2. Inset of Map 1: NW 104<sup>th</sup> Terrace/US 441 to CR 25A/US 441 Intersections**



## AMENDING SECTION 6.8.3(A)(1) TO CORRECT A SCRIVENER'S ERROR

6.8.3 Design standards for single tenant retail sales and service uses greater than or equal to 20,000 square feet.

(A) *Facade and material design.*

- (1) *Generally* . All facades facing a street, lands containing existing residential uses, or vacant land classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8, or RMF-15, shall be subject to the standards set forth in Subsection 6.8.3(BA)(2).

**Staff Comment:** This amendment corrects a scrivener's error.

## AMENDING SECTION 10.2 TO AMEND THE DEFINITION OF "ANIMAL HUSBANDRY"

*Animal husbandry, general use category* means the active and ongoing propagation, rearing, exercising, feeding, milking, housing, controlling, handling or general care of living animals, including the raising and production of cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep and similar animal husbandry uses. Animal husbandry also includes the raising and production of aquatic or hydroponic plants and animals. See also Section 4.2.4(B).



**Staff Comment:** The raising and production of aquatic / hydroponic plants and animals is not clearly addressed or categorized in the LDRs. This amendment would include such uses within the definition of “animal husbandry”, which consists of similar activities.

#### AMENDING SECTION 10.2 TO AMEND THE DEFINITION OF “GOOD CAUSE”

*Good cause* means ~~as used in Section 2.4.14,~~ impediments to submission of a final development plan ~~such as or~~ delays in securing ~~other~~ permits ~~from other agencies~~ in a timely manner. The term "good cause" does not include adverse market conditions, delays in securing financing, or self-imposed hardships resulting from the actions or inaction of the developer.

**Staff Comment:** Section 2.4.14 pertains to concurrency management. The proposed revisions to the definition of good cause would ensure the term is defined for other such references within the LDRs and is restructured to address other instances where the term is used outside of Section 2.4.14.

#### AMENDING SECTION 10.2 TO AMEND THE DEFINITION OF “INTERNET CAFE” TO ADDRESS LEGISLATIVE CHANGES

*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~~ 546.10.

**Staff Comment:** Section 849.161, Florida Statutes, was deleted by the Legislature during the 2014 legislative session. The term “arcade amusement center” is now defined in Section 546.10, Florida Statutes. The definition provided in Section 546.10, Florida Statutes mirrors the definition which existed in Section 849.161. This amendment will ensure the definition adopted in the LDRs references the correct Florida Statute section.

#### AMENDING SECTION 10.2 TO AMEND THE DEFINITION OF “OUTDOOR STORAGE” FOR INTERNAL CONSISTENCY

*Outdoor storage* means the keeping, ~~in an unroofed area~~ of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

**Staff Comment:** Section 4.4.4(E) establishes standards for outdoor storage as an accessory use. Certain standards established therein relate to the appearance of the covering (i.e., roof above) the outdoor storage area. As such, the definition of “outdoor storage” is proposed to be amended to permit outdoor storage in either a roof or unroofed area, to provide consistency with the standards established in Section 4.4.4(E).

## **FINDINGS OF FACT: COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS**

Subsection 2.4.1(E)(1) of the Land Development Regulations (LDRs) states that, “in determining whether to approve a proposed text amendment to the Land Development Regulations, the City Commission shall find that an application is consistent with the following standards.” These standards are listed below, followed by Staff’s evaluation.

- (a) ***Consistent with Comprehensive Plan*** – *Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.*

**Evaluation & Findings:** These amendments do not conflict with any Goals, Objectives, or Policies of the Comprehensive Plan.

- (b) ***Consistent with Ordinances*** – *Whether the proposed amendment is in conflict with any provision of these LDRs or the City Code of Ordinances.*

**Evaluation & Findings:** These amendments do not conflict with any provisions of the LDRs or the City Code of Ordinances.

- (c) ***Changed Conditions*** – *Whether and the extent to which there are changed conditions that require an amendment.*

**Evaluation & Findings:** These amendments would address various subsections which are challenging for Staff to implement, challenging for the application of the subsection to be met by a landowner / developer, or the subsection is in need of further clarification. Similarly, Staff has identified various aspects of land use and development which currently are not fully or clearly addressed by the LDRs, and would be further clarified and addressed by these amendments.

- (d) ***Community Need*** – *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

**Evaluation & Findings:** These amendments would address community need by clarifying existing regulations, and by addressing matters that are not currently clearly or fully addressed.

- (e) ***Compatible with Surrounding Uses*** – *Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zone districts in these LDRs, or will improve compatibility among uses and will ensure efficient development within the City.*

**Evaluation & Findings:** To the extent of the applicability of this standard, these amendments would not adversely affect compatibility among uses or result in inefficient development.

- (f) ***Development Patterns*** – *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

**Evaluation & Findings:** These amendments would have no effect upon development patterns.

- (g) ***Effect on Natural Environment*** – *Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

**Evaluation & Findings:** These amendments would not impact the natural environment.

- (h) ***Public Facilities*** – *Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water, sewage, storm water management, parks, and solid wastes).*

**Evaluation & Findings:** These amendments would have no impact to the provision of public facilities.

**EXHIBIT “A”**

**TO**

**LAND DEVELOPMENT REGULATIONS (LDR) TEXT AMENDMENT  
SPRING 2018 STAFF-INITIATED AMENDMENTS  
STAFF REPORT**

**SUPPORTING APPLICATION MATERIALS  
SUBMITTED BY CITY STAFF TO THE  
PLANNING AND ZONING BOARD**