

ORDINANCE 19-22

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 SECTION 2.1.1(B) AND TABLE 2.1-1, RELATING TO THE DEVELOPMENT REVIEW STRUCTURE; AMENDING SECTION 2.1.3(C), RELATING TO THE POWERS AND DUTIES OF THE PLANNING & ZONING BOARD; AMENDING SECTION 2.1.6(A)(2), RELATING TO THE POWERS AND DUTIES OF THE LDR ADMINISTRATOR; AMENDING SECTION 2.4.6, RELATING TO CERTIFICATES OF APPROPRIATENESS; AMENDING SECTION 3.7.2(A)(5), RELATING TO THE REQUIREMENT TO OBTAIN A CERTIFICATE OF APPROPRIATENESS; AND AMENDING SECTION 10.2, DEFINITION OF "CERTIFICATE OF APPROPRIATENESS"; CREATING THE CITY OF ALACHUA CERTIFICATE OF APPROPRIATENESS APPROVAL MATRIX; 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 January 31, 2019; and

WHEREAS, the LPA conducted a public hearing on the proposed Amendment on February 12, 2019, 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 February 28, 2019, and on March 14, 2019; and

WHEREAS, the City Commission conducted public hearings on the proposed Amendment on March 11, 2019, and March 25, 2019, 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 11th day of March 2019.

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 March 2019.

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

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Adam Boukari, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

Section 2.1.1(B) and Table 2.1-1 of the City’s LDRs are amended as follows (text that is underlined is to be added and text that is shown as ~~striethrough~~ is to be removed). Except as amended herein, the remainder of Section 2.1.1(B) and Table 2.1-1 remain in full force and effect:

2.1.1 Summary of administration and review roles.

- (B) *Development review structure.* Table 2.1-1, Development Review Structure, summarizes the review bodies and City staff that have specific permit review roles under these LDRs, and their responsibilities.

Table 2.1-1: Development Review Structure					
S = Staff Review C = Plan Consistency Review R = Review and Advise D = Final Decision A = Appeal					
Development Permit	LDR Administrator	Board of Adjustment (BOA)	Planning and Zoning Board (PZB)	City Commission	Hearing Officer
Historic Sites and Structures					
Historic Overlay District Classification (Section 2.4.5)	S		C/R	D	
<u>Certificate of Appropriateness (Minor Review) (Section 2.4.6)</u>	<u>D</u>	<u>A</u>			
Certificate of Appropriateness (<u>Major Review</u>) (Section 2.4.6)	C/S		D	A	

Section 2.1.3(C) of the City’s LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~striethrough~~ is to be removed). Except as amended herein, the remainder of Section 2.1.3(C) remains in full force and effect:

2.1.3 Planning and Zoning Board (PZB).

- (C) *Powers and duties.* The PZB is authorized by the City Commission with the following powers and duties under these LDRs:
- (2) *Certificate of appropriateness.* To review and decide applications for certificates of appropriateness (major review) (Section 2.4.6).

Section 2.1.6(A)(2) of the City’s LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~striethrough~~ is to be removed). Except as amended herein, the remainder of Section 2.1.6(A)(2) remains in full force and effect:

2.1.6 City staff.

- (A) *Land Development Regulation (LDR) Administrator.*
- (2) *Powers and duties.* In addition to the jurisdiction, authority and duties that may be conferred upon the LDR Administrator by other provisions of the City Code and general or special law, the LDR Administrator shall have the following jurisdiction, powers and duties under these LDRs:
- (a) To supervise, review and decide applications for:
- (i) Certificates of appropriateness (minor review) (Section 2.4.6).

- ~~(i)(ii)~~ Administrative adjustments (Section 2.4.8).
- ~~(ii)(iii)~~ Minor site plans (Section 2.4.9(J)).
- ~~(iii)(iv)~~ Major subdivision construction plans (Section 2.4.10(G)).
- ~~(iv)(v)~~ Sign permits (Section 2.4.11).
- ~~(v)(vi)~~ Temporary use permits (Section 2.4.12).
- ~~(vi)(vii)~~ Special event permits (Section 2.4.13).
- ~~(vii)(viii)~~ Certificates of concurrency compliance (Section 2.4.14).
- ~~(viii)(ix)~~ Certificates of LDR compliance (Section 2.4.15).
- ~~(ix)(x)~~ Tree removal permits (Section 2.4.17).
- ~~(x)(xi)~~ Mobile home move-on permits (Section 2.4.18).

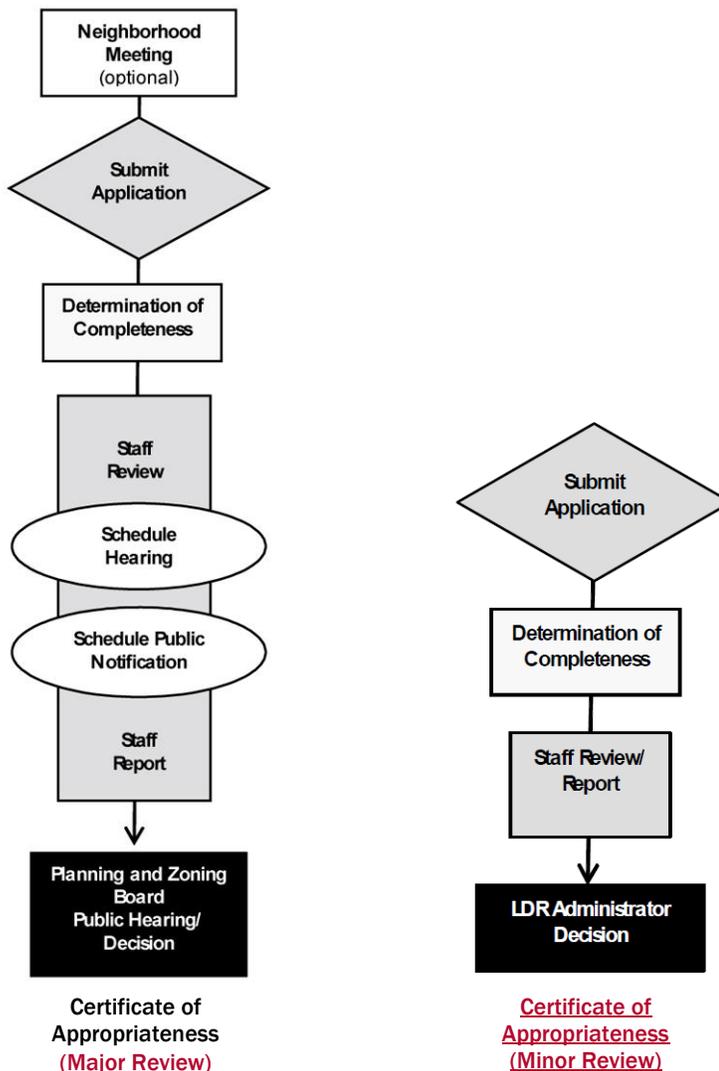
Section 2.4.6 of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struck through~~ is to be removed). Except as amended herein, the remainder of Section 2.4.6 remains in full force and effect:

2.4.6 *Certificate of appropriateness.*

- (A) *Purpose.* The purpose of this subsection is to provide a mechanism for reviewing demolition, removal, relocation, new construction, additions, or alterations of exterior features on development within the Historic Overlay (~~HO~~) Districts to ensure they comply with the standards of this section ~~and approved design standards.~~
- (B) *Authority.* The PZB is authorized to review and decide applications for a certificates of appropriateness, provided however that the LDR Administrator is authorized to review and decide applications for certificates of appropriateness as set forth in Subsection 2.4.6(E)(3), *Certificate of appropriateness (minor review)*, of this section.
- (C) *Applicability.*
 - (1) *When required.* A certificate of appropriateness shall be required prior to any demolition, removal, relocation, new construction, additions, or alterations of exterior features in the Historic Overlay (~~HO~~) District, unless the activity is exempted in accordance with Subsection 2.4.6(D), *Exemptions*, of this section.
 - ~~(2) *Certificate of appropriateness not required.* Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when the repair does not involve a change in design, material, color, or outer appearance of the structure. Certificates of appropriateness are not required for alterations to the interior of a building or alterations to the use of a building, unless the interior of a particular structure is specifically identified in the designation ordinance establishing a Historic Overlay (HO) District (Subsection 2.4.5 of this section, Historic Overlay (HO) District classification, and Section 3.7.2(A), Historic Overlay Districts).~~
- (D) *Exemptions.* The following activity shall be exempted from the requirements of this section (but is not exempted from other permits as may be applicable for the proposed activity, which may include but are not limited to a site plan, minor site plan, and/or building permit):
 - (1) *Repairs and maintenance with limited changes.* Ordinary maintenance or repair of any exterior architectural feature of buildings or structures that does not involve a change in design, material, color, or outer appearance of the building or structure; provided however that ordinary maintenance and repairs may change the material or color of a building façade when such repair or maintenance does not exceed five percent (5%) of the area of the façade.
 - (2) *Interior alterations.* Alterations to the interior of a building or structure, or alterations to the use of a building or structure, unless the interior of a particular building or structure is listed on the National Register of Historic Places.

(3) Activity conducted under the CRA Business Façade Grant Program. Activity which is being performed as part of the scope of work of a project reviewed and approved under the City's Community Redevelopment Agency (CRA) Business Façade Grant Program.

(4) Residential additions, alterations, or demolitions not visible from street. The demolition, removal, new construction, addition, or alteration of exterior features on existing residential buildings or residential structures, or any buildings or structures which are accessory to a residential use, when the building or structure is not visible from a street and when the building or structure is used exclusively for residential purposes. This exemption shall not apply to any building or structure listed on the National Register of Historic Places or to any buildings or structures listed as a contributing building to the City of Alachua Downtown Historic District.



(D)(E) Procedure.

- (1) *Application submission, review, public notification, and scheduling hearing.* The procedures and requirements for submission and review of an application are established in Section 2.2, Common development review procedures.
- (2) *Review and action by PZB.* After—Except as provided in Subsection 2.4.6(E)(3), Certificate of appropriateness (minor review), of this section, after preparation of a staff report, public notification,

and the scheduling of a public hearing, the PZB shall conduct a public hearing on the application in accordance with Section 2.3.2, Standard public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, and the testimony given at the public hearing. After the close of the public hearing, the PZB shall approve, approve with conditions, or deny the application based on the standards in Subsection 2.4.6(~~EF~~) of this section, Certificate of appropriateness standards.

(3) Certificate of appropriateness (minor review). The LDR Administrator is authorized to review and approve, approve with conditions, or deny an application for a certificate of appropriateness for projects which propose the type(s) of activity set forth in Subsections 2.4.6(E)(3)(a) and (b). The LDR Administrator shall review and take action on the application in accordance with the procedures and requirements of Section 2.2.13, *Review by LDR Administrator*. The LDR Administrator, in his or her sole discretion, may refer any application for a certificate of appropriateness to the PZB when the LDR Administrator finds that the application does not comply with the certificate of appropriateness standards as set forth in Subsection 2.4.6(F), *Certificate of appropriateness standards*. The City Commission may adopt by ordinance a Certificate of Appropriateness Approval Matrix establishing specific types of activity that may be administratively approved:

(a) Residential repairs and maintenance with changes. Activity that is considered to be ordinary repair and maintenance of a residential building or structure involving a change in design, material, color, or outer appearance of the building or structure (including but not limited to: changes in roofing materials and/or changes in roofing material colors; window types; shutter types; doors; decks and porches; or other similar appurtenances); and,

(b) Residential additions, alterations, or demolitions visible from street. The demolition, removal, new construction, addition, or alteration of exterior features on existing residential buildings or residential structures, or any buildings or structures which are accessory to a residential use, when the building or structure is visible from a street and when the building or structure is used exclusively for residential purposes. Buildings or structures listed on the National Register of Historic Places shall require PZB action.

~~(E)~~(F) *Certificate of appropriateness standards.* The following standards shall be applied in determining whether to approve, approve with conditions, or deny a certificate of appropriateness:

(1) *Affect exterior appearance.* Whether the proposed action will affect the exterior appearance of ~~the subject land or a building or structure and if such action will be visible from a street, or if such action will affect~~ the appearance of any interior portion ~~specifically identified in any relevant designation ordinance of a building or structure listed on the National Register of Historic Places or a building or structure listed as a contributing building to the City of Alachua Downtown Historic District.~~

(2) *Affect consistent with historical, architectural or other relevant qualities.* Whether any such affect is consistent with the historical, architectural, or other qualities which the ~~Historic Overlay District~~~~relevant designation ordinance~~ seeks to protect and ~~enforce~~~~preserve~~.

(3) *Negative or positive impact on neighboring ~~lands-properties~~ of historical significance.* Whether the proposed action will have a negative or positive impact on neighboring ~~lands-properties~~ that have historic significance.

(4) *Effect of denial.* Whether the denial of a certificate of appropriateness would deprive the owner of reasonable beneficial use of their ~~land~~~~property~~.

(5) *Demolition.* In cases where a certificate of appropriateness is proposed for demolition of all or a portion of a historic property, the applicant shall demonstrate:

- (a) That no other feasible alternative can be found;
- (b) The extent to which the ~~land~~~~property~~ may not be beneficially used without approval of the demolition;
- (c) The ability to obtain a reasonable return from the existing structures; and
- (d) Whether or not the building, structure, or ~~land~~~~property~~ contributes to a Historic Overlay (~~HO~~)-District, or no longer has historical significance.

~~(F)~~(G) *Conditions of approval.* In approving a certificate of appropriateness, the PZB or LDR Administrator (as applicable based upon the type of review) may impose ~~appropriate~~ conditions on the permit approval in accordance with Section 2.2.14, *Conditions of approval*.

(H) *Amendments.* A certificate of appropriateness may be amended only in accordance with the procedures and standards established for its original approval, provided however, that the LDR Administrator may approve minor modifications to a certificate of appropriateness previously approved by the PZB or by the LDR Administrator where it is found that the modifications would not result in a substantial change to the activity approved by the certificate of appropriateness.

~~(G)~~(I) *Appeal of ~~PZB-D~~decision on certificate of appropriateness.* Any person aggrieved or affected by a decision of the Planning and Zoning Board may appeal such decision to the City Commission in accordance with Subsection 2.4.21 of this section, Appeal of decisions of the Planning and Zoning Board. Any person aggrieved or affected by a decision of the LDR Administrator may appeal such decision to the Board of Adjustment in accordance with Subsection 2.4.20 of this section, Appeal of interpretation or decision by LDR Administrator.

Section 3.7.2(A)(5)(a) of the City's LDRs 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 3.7.2 remains in full force and effect:

3.7.2 *Districts.*

(A) *HO, Historic Overlay District.*

(5) *HO district development standards.*

(a) *Certificate of appropriateness required.* Once land, buildings, or structures are classified within an HO district, no demolition, ~~removal, relocation,~~ new construction, addition, or alteration of exterior architectural features shall occur within the district without the issuance of a certificate of appropriateness in accordance with Section 2.4.6, Certificate of appropriateness. The certificate shall occur prior to any demolition, new construction, addition, or alteration of exterior architectural features.

Section 10.2 of the City's LDRs 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:

Certificate of appropriateness means a permit reviewed and approved, approved with conditions, or denied by the Planning and Zoning Board or the LDR Administrator in accordance with Section 2.4.6, Certificate of appropriateness