City of Alachua
THE GOOD LIFE COMMUNITY

Commission Agenda Item

MEETING DATE: July 22, 2013

SUBJECT: First Reading and First Public Hearing of Ordinance 13-12, an Ordinance of the City of Alachua, Florida, amending Subsections 2.4.10(B)(2) and (3), relating to the applicability of and exemptions from Section 2.4.10, *Subdivision*; amending Subsection 5.2.2(A), amending the definitions of "yard, front," "yard, front, depth required," "yard, side," and "yard, rear;" and amending Tables 5.1-1, 5.1-2, and 5.1-3 to require front setbacks to be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.) This is a legislative hearing.

AGENDA SECTION: Public Hearings and Ordinances

DEPARTMENT: Planning & Community Development

PREPARED BY: Justin Tabor, AICP, Principal Planner

RECOMMENDED ACTION:

(1) Approve Ordinance 13-12 on First Reading upon making the following motion:

This Commission finds this application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and approve Ordinance 13-12 on First Reading;

(2) Schedule second and final reading for August 12, 2013.

Summary

This item is a Staff-initiated Text Amendment to the City's Land Development Regulations (LDRs.) There are two components to this amendment. The first component would amend Sections 2.4.10(B)(2) and (3), which relate to the applicability of and exemptions from Section 2.4.10, which establishes regulations pertaining to the subdivision of land. The second component would amend Subsection 5.2.2(A) by amending the definitions of "yard, front," "yard, front, depth required," "yard, side," and "yard, rear," and amending Tables 5.1-1, 5.1-2, and 5.1-3 to require front setbacks to be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)

The text of the proposed amendments has been provided in Ordinance 13-12 (attached) in a ~~strikethrough~~ (text to be removed) and <u>underscore</u> (text to be added) format. A brief synopsis of each component of this amendment is provided below.

Amendment to Section 2.4.10, Subdivision

Section 2.4.10 of the City's Land Development Regulations (LDRs) establishes the provisions for subdivision review. Prior to the transfer of title or sale of any lots, or the issuance of a building permit, the following development, unless exempted by Subsection 2.4.10(B)(3), is required to subdivide land in accordance with the procedures and standards established in Section 2.4.10:

(1) The division of land into three or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;
(2) All divisions of land involving a new street or change in existing streets;

(3) Resubdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
(4) The combination or consolidation of lots of record.

Subsection 2.4.10(B)(3) exempts the following development from the standards established in Section 2.4.10:

(1) 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;
(2) A lot split, or the division of a parent tract 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);
(3) The public acquisition by purchase of strips of land for the widening or opening of new streets;
(4) The partition of land by court decree; and
(5) The transfer of property without subdivision by sale, gift, succession, or for the purposes of dissolving tenancy in common among tenants.

The existing regulations provided in Section 2.4.10 of the LDRs do not specifically address nonresidential development, and, due to the varied nature of nonresidential uses, the scale and character of nonresidential development cannot accurately be incorporated into the design of a subdivision. It is not possible to effectively configure the location and size of lots at the time that land is subdivided. The proposed LDR Text Amendment will provide needed flexibility to the development review process by allowing the real estate market to determine the size and availability of land for nonresidential uses when a specific development plan is proposed.

The size of a nonresidential building will vary based upon its use, and a certain use may require additional supporting infrastructure (i.e., parking, stormwater, etc.) which would not be needed to support a different nonresidential use. For example, a grocery store will need a larger lot than a smaller commercial uses, such as a freestanding bank or restaurant.

The proposed LDR Text Amendment would exempt development consisting of multifamily, office, commercial, or industrial development from the subdivision regulations, provided that such development would not result in the creation, relocation, or extension of any street. Such development would continue to be reviewed through the Site Plan process, and the location and specifications of all utility infrastructure serving the development, including but not limited to water, wastewater, and electrical facilities, would be shown on a Site Plan for such development.

The proposed amendment would not preclude a developer from opting to subdivide such development, and would also clarify that nonresidential subdivisions are not required to show the division of land into lots or parcels, but must show all streets and other required infrastructure improvements.

The amendment also addresses the division of land on property which is developed. The proposed amendment would exempt existing multifamily, office, commercial, and industrial development from the subdivision process when: (1) the development has received approval of a Site Plan pursuant to Section 2.4.9 of the City's LDRs; (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.

Any division of land must also comply with Chapter 177, Part I, Florida Statutes, which relates to the platting (subdivision) of land. The proposed text ensures that any division of land will comply with Chapter 177, Part I, Florida Statutes.

Amendment to Subsection 5.2.2(A) & Tables 5.1-1, 5.1-2, and 5.1-3

Subsection 5.2.2(A) of the City's LDRs defines how required yards and setbacks are measured, including but not limited to front, side, and rear yards, and the minimum depth required for such yards.

Subsection 5.2.2(A)(7)(c) requires that in the case of corner lots and reverse frontage lots, a front yard of the required depth be provided on both street frontages. Staff has found that this standard, in certain instances, causes new development to be inconsistent with existing development by requiring the side elevations of a new structure to be set back further from a road than an existing structure on an adjacent parcel. The current standard also results in a smaller building envelope (the area on a lot where a building or structure may be placed) on corner lots and reverse frontage lots than the building envelope of an interior lot of the same acreage, which can cause the scale and character of development on adjacent lots to conflict with one another. Such development is not consistent with the purpose and intent of the current standard.

To address this issue, Staff proposes to amend Subsection 5.2.2(A)(7)(c) to require a front yard setback on the road frontage facing the primary building's front building façade. For all other frontages, the required front yard setback shall not be less than the minimum side yard setback and shall not conflict with existing public utilities easements. In zoning districts where a side yard setback is not required but is appropriate along road frontages (Community Commercial [CC] and Commercial Intensive [CI]), the yard setback on a road frontage shall be no less than five feet.

To reduce potential conflict between the proposed standards and Tables 5.1-1, 5.1-2, and 5.1-3, which establish the dimensional standards in all zoning districts, the aforementioned tables will be amended to provide a footnote stating that front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.) Staff has also proposed to amend the definitions of "yard, front, depth required," "yard, side," and "yard, rear" to clarify the meaning of current text.

Compliance with the City's Land Development Regulations

Section 2.4.1(E)(1) of the 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." Staff finds that the proposed amendments are in compliance with Section 2.4.1(E)(1) of the LDRs. A complete evaluation of the application's compliance with the standards of Section 2.4.1(E)(1) has been provided in the July 9, 2013 Staff Report to the Planning & Zoning Board.

Planning & Zoning Board Decision

The Planning and Zoning Board held a public hearing on July 9, 2013, and found the proposed text amendments to be consistent with the Comprehensive Plan and in compliance with the Land Development Regulations and voted 3-0 to transmit the proposed amendments to the City Commission with a recommendation to approve.

ATTACHMENTS:

1. Draft Ordinance 13-12 in final format
2. Draft Ordinance 13-12 in ~~strikethrough~~/underscore format
3. July 9, 2013 Staff Report to the Planning & Zoning Board
4. Planning & Zoning Board Public Notice Affidavits for July 9, 2013 Meeting
5. July 22, 2013 City Commission Public Notice Affidavits

REVIEWED BY CITY MANAGER:

ORDINANCE 13-12

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING SUBSECTION 2.4.10(B)(2) AND (3), RELATING TO THE APPLICABILITY OF AND EXEMPTIONS FROM SECTION 2.4.10, SUBDIVISION; AMENDING SUBSECTION 5.2.2(A)(7), AMENDING THE DEFINITIONS OF "YARD, FRONT," "YARD, FRONT, DEPTH REQUIRED," "YARD, SIDE," AND YARD, REAR;" AND AMENDING TABLES 5.1-1, 5.1-2, AND 5.1-3 TO REQUIRE FRONT SETBACKS TO BE CONSISTENT WITH THE DEFINITION OF "YARD, FRONT" AS PROVIDED IN SUBSECTION 5.2.2(A)(7); PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S

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 July 9, 2013 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 July 22, 2013 and August 12, 2013 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.

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**

Section 2.4.10(B)(2) of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

(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. 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.

Section 2.4.10(B)(3) of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

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

(a) *Subdivision into tracts*. 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.

(b) *Lot split*. A lot split, or the division of a parent tract 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.

(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) *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.

Table 5.1-1 of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed):

Table 5.1-1. Table of Dimensional Standards in the Conservation and Agricultural Districts									
District and Use	Lots [1]		Minimum Yards and Setbacks [2]				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures)	Max. Gross Density (DU/acre)
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [3]	Side (ft.)	Rear (ft.)	Wetland and Watercourse (ft.)			
Conservation District									
All uses	None	None	None	None	None	Sec. 5.2.2(B)	65	None	N/A
Agricultural District [1]									
Single-family dwellings, group living facilities	5 acres	200	30	25 for each	25	Sec. 5.2.2(B)	65	20%	0.20; 0.50 if homesteaded
Conser-vation subdivision [1]	None [2]	None	18	None	None			None	For entire subdivision shall not exceed 0.20
All other uses	None	None	30	25 for each	25			20%	N/A
[1] The minimum size for a conservation subdivision development is eight acres, with at least three acres preserved as open space set-aside.									
[2] Individual building lots shall not exceed one acre in size.									
[3] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

Table 5.1-2 of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

Table 5.1-2. Table of Dimensional Standards in the Residential Zoning Districts									
District and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Cover (incl. accessory struc-tures)	Max. Gross Density (DU/acre) [3]
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [4]	Side (ft.)	Rear (ft.)	Wetland and Water-course (ft.)			
RSF-1									
Dwelling, single-family, detached	40,000	100	30	15 for each	15	Sec. 5.2.2(B)	65	40%	1
All other uses	None	None	35	25 for each	35			35%	N/A
RSF-3 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family	10,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	3

detached									
All other uses	None	None	35	25 for existing; 30 for new	35			50%	
RSF-4 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family, detached	7,500	50	20	7.5 for each	15			45%	
Dwelling townhouse, and two- to four-family	7,500 per unit for the first 2 units; 2,000 per unit for each addi-tional	50	15	5 for each building side	10	Sec. 5.2.2(B)	65	60%	4
All other uses	None	None	35	25 for existing; 30 for new	35			60%	
RSF-6 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family detached	6,000	50	20	7.5 for each	15			50%	
Dwelling, single-family attached, townhouse, and two- to four-family	6,000 per unit for first 2 units; 2,000 per unit for each addi-tional	40	15	5 for each building side	10	Sec. 5.2.2(B)	65	60%	6
All other uses	None	None	35	25 for existing; 30 for new	35			60%	
RMH-5									
Dwelling, mobile home	7,500 with public utilities; 20,000 without public utilities	50 with public utilities; 100 without public utilities	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	5 with public utilities; 2 without public utilities
All other uses	None	None	35	25 for each	35			35%; 40% for manufac-tured	

								homes	
RMH-P									
Mobile home park[1], dwelling, mobile home	10 acres for park site; 5,445 per DU; 3,500 per park stand	400 for site; 40 average for park stand	35 at site perim.; 20 between homes and from access drives	25 at site perim.; 20 between homes and from access drives	15	Sec. 5.2.2(B)	65	30%	8
All other uses	None	None	35	25 for each	35			35%	N/A
RMF-8									
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	8
Dwelling, single-family attached, townhouse, and two- to four- family	10,000	40	15	5 for each building side	10				
Dwelling, multiple-family, group living	16,335 for site	80	30 at site perim.	15 at site perim.; 20 between build-ings	20 at site perim.				
All other uses	None	None	35	25 for each	35			35%	
RMF-15									
Dwelling, single-family detached	5,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	15
Dwelling, single-family attached, townhouse, and two- to four- family	5,000	40	15	5 for each building side	10				
Dwelling, multiple-family, group living	16,335 for site	80	30 at site perim.	15 between building and lot line; 20 between buildings	20 at site perim.				
All other uses	None	None	35	25 for each	35			35%	
PD-R									
See Section 3.6.3(A)									
[1] Minimum lot area and width standards may be reduced to the minimum extent necessary in the RSF-4, RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted affordable housing units.									
[2] Minimum yards and setbacks may be reduced to the minimum extent necessary in the RSF-4, RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted affordable housing units.									
[3] Maximum gross residential density may be increased by up to 20 percent in the RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted housing units designated as affordable for low income residents.									
[4] Front setbacks shall be consistent with the definition of “yard, front” as provided in Subsection 5.2.2(A)(7.)									

Table 5.1-3 of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

Table 5.1-3. Table of Dimensional Standards in the Business Zoning Districts										
District and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures) [1]	Max. FAR [2]	Max. Gross Residential Density (DU/acre)
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [5]	Side (ft.)	Rear (ft.)	Wetland and Watercourse (ft.)				
OR										
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	N/A	5
Dwelling, single-family attached, townhouse, two- to four-family, and multiple-family	10,000	40	15	5 for each building side	10					
Public and institutional uses	None	None	35	25 for each	35			35%	None	N/A
All other uses			30	20 for each	20					
CN										
Public and institutional uses	None	None	20	10 for each	15	Sec. 5.2.2(B)	65	40%	Lesser of that provided in note [2] or 10,000 sq. ft.	None
All uses			25							
CC										
All uses	None	None	20	None	15	Sec. 5.2.2(B)	65	None	See note [2]	None
CBD										
All uses	None	None	None	None	None	Sec. 5.2.2(B)	65	None	See note [2]	None
CI [3]										
All uses	None	None	20	None	15	Sec. 5.2.2(B)	65	None	See note [2]	None
ILW										
All uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none		Sec. 5.2.2(B)	65	None	See note [2]	None
CP [4]										
Dwelling, single-family	5,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	N/A	0.5
Dwelling, single-family attached, townhouse, and multiple-family	5,000	40	15	5 for each building side	10					

All other uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none	Sec. 5.2.2(B)	100	None	See note	N/A
IG									
All uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none	Sec. 5.2.2(B)	65	None	See note [2]	N/A
PD-EC									
See Section 3.6.3(C).									
PD-TND									
See Section 3.6.3(B).									
PD-COMM									
See Section 3.6.3(D).									
Notes:									
[1] The maximum lot coverage in the OR district may be increased up to 65 percent by the provision of three or more upper story dwelling units above retail or office uses, provided such units are deed-restricted as affordable housing for low income residents.									
[2] The building square footage occupied by upper story dwelling units that are deed-restricted as affordable housing for low income residents shall not be counted towards the maximum FAR. Floor area ratios for business districts are as follows: 0.5 FAR for parcels five acres or greater; 0.75 FAR for parcels less than five acres, but greater than one acre; 1.0 FAR for parcels one acre or less.									
[3] Minimum lot area, minimum lot width, minimum yard, and minimum setback standards may be reduced by up to 75 percent in the CI districts to accommodate deed-restricted affordable housing units.									
[4] Residential uses in the CP District shall be consistent with the criteria specified in Section 3.5.2(F).									
[5] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

Section 5.2.2(A) of the City's Land Development Regulations is hereby amended as follows (text that is <u>underlined</u> is to be added and text that is shown as ~~strikethrough~~ is to be removed):

5.2.2 *Setbacks and required yards.*

(A) *Definitions of measurement.*

(1) *Building line* means the rear edge of any required front yard or the rear edge of any required setback line.

(2) *Building front yard setback line* means the rear edge of any required front yard as specified within these LDRs.

(3) *Right-of-way* means land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

(4) *Wetland* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally

include swamps, marshes, bogs and similar areas. The delineation of wetlands has been defined by the uniform statewide methodology adopted by the Florida Department of Environmental Protection and Water Management Districts as outlined in Rule 62-340, Florida Administrative Code, as the rule exists on January 1, 2001. The City shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation. Standards for wetlands setbacks can be found in the current City of Alachua Comprehensive Plan conservation element policies 1.10g and 1.10f.

(5) *Watercourse* means any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed, bank, or other discrete boundary. Surface water setbacks can be found in the current City of Alachua Comprehensive Plan conservation element policy 1.12.d.

(6) *Yard* means a required area unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(7) *Yard, front.*

(a) *Definitions* The term "front yard" means the area between the front lot line adjoining a street and any building elevation, extending to any side or rear lot line.

(b) *Through lots.* In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the LDR Administrator may waive the requirement for the normal front yard and substitute a special yard requirement that shall not exceed the average of the yards provided on adjacent lots.

(c) *Corner lots.* Solely for the purpose of determining setbacks of corner lots and reverse frontage lots, a front yard setback shall be required on the road frontage facing the primary building's front building façade. For all other frontages, the required front yard setback shall not be less than the minimum side yard setback and shall not conflict with existing public utility easements. In the CC and CI zoning districts, the yard setback on a road frontage shall be no less than five (5) feet.

(8) *Yard, front, depth required,* means an area measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of corner lots, an area along road frontages measured at right angles to the foremost point of any adjoining side or rear lot line. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the front lot lines and adjoining side or rear lot lines would have met without such rounding.

(9) *Yard, side,* means the area between the side lot line and the side building elevation, not including front yards or rear yards.

(10) *Yard, side, depth required,* means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(11) *Yard, rear,* means the area between the rear lot line and the rear building elevation In the case of through lots , there will be no rear yards, but only front and side yards.

(12) *Yard, rear, depth required,* means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

(13) *Yard, waterfront,* means a yard measured from and parallel to the mean high-water mark of the lake, stream, or other watercourse on which the lot is located.

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 22nd day of July, 2013.

PASSED and **ADOPTED,** in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 12th day of August, 2013.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

SEAL

ATTEST:

Traci L. Cain, City Manager/Clerk

ORDINANCE 13-12

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING SUBSECTION 2.4.10(B)(2) AND (3), RELATING TO THE APPLICABILITY OF AND EXEMPTIONS FROM SECTION 2.4.10, SUBDIVISION; AMENDING SUBSECTION 5.2.2(A)(7), AMENDING THE DEFINITIONS OF "YARD, FRONT," "YARD, FRONT, DEPTH REQUIRED," "YARD, SIDE," AND YARD, REAR;" AND AMENDING TABLES 5.1-1, 5.1-2, AND 5.1-3 TO REQUIRE FRONT SETBACKS TO BE CONSISTENT WITH THE DEFINITION OF "YARD, FRONT" AS PROVIDED IN SUBSECTION 5.2.2(A)(7); 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 July 9, 2013 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 July 22, 2013 and August 12, 2013 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.

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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

Section 2.4.10(B)(2) of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

(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. 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.

Section 2.4.10(B)(3) of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

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

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(a) *Subdivision into tracts*. 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.

(b) *Lot split*. A lot split, or the division of a parent tract 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.

(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) *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.

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Table 5.1-1 of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed):

Table 5.1-1. Table of Dimensional Standards in the Conservation and Agricultural Districts									
District and Use	Lots [1]		Minimum Yards and Setbacks [2]				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures)	Max. Gross Density (DU/acre) ~~[3]~~
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [3]	Side (ft.)	Rear (ft.)	Wetland and Watercourse (ft.)			
Conservation District									
All uses	None	None	None	None	None	Sec. 5.2.2(B)	65	None	N/A
Agricultural District [1]									
Single-family dwellings, group living facilities	5 acres	200	30	25 for each	25	Sec. 5.2.2(B)	65	20%	0.20; 0.50 if homesteaded
Conser-vation subdivision [1]	None [2]	None	18	None	None			None	For entire subdivision shall not exceed 0.20
All other uses	None	None	30	25 for each	25			20%	N/A
[1] The minimum size for a conservation subdivision development is eight acres, with at least three acres preserved as open space set-aside.									
[2] Individual building lots shall not exceed one acre in size.									
[3] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

Table 5.1-2 of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

Table 5.1-2. Table of Dimensional Standards in the Residential Zoning Districts									
District and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Cover (incl. accessory struc-tures)	Max. Gross Density (DU/acre) [3]
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [4]	Side (ft.)	Rear (ft.)	Wetland and Water-course (ft.)			
RSF-1									
Dwelling, single-family, detached	40,000	100	30	15 for each	15	Sec. 5.2.2(B)	65	40%	1
All other uses	None	None	35	25 for each	35			35%	N/A
RSF-3 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family	10,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	3

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detached									
All other uses	None	None	35	25 for existing; 30 for new	35			50%	
RSF-4 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family, detached	7,500	50	20	7.5 for each	15			45%	
Dwelling townhouse, and two- to four-family	7,500 per unit for the first 2 units; 2,000 per unit for each addi-tional	50	15	5 for each building side	10	Sec. 5.2.2(B)	65	60%	4
All other uses	None	None	35	25 for existing; 30 for new	35			60%	
RSF-6 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family detached	6,000	50	20	7.5 for each	15			50%	
Dwelling, single-family attached, townhouse, and two- to four-family	6,000 per unit for first 2 units; 2,000 per unit for each addi-tional	40	15	5 for each building side	10	Sec. 5.2.2(B)	65	60%	6
All other uses	None	None	35	25 for existing; 30 for new	35			60%	
RMH-5									
Dwelling, mobile home	7,500 with public utilities; 20,000 without public utilities	50 with public utilities; 100 without public utilities	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	5 with public utilities; 2 without public utilities
All other uses	None	None	35	25 for each	35			35%; 40% for manufac-tured	

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								homes	
RMH-P									
Mobile home park[1], dwelling, mobile home	10 acres for park site; 5,445 per DU; 3,500 per park stand	400 for site; 40 average for park stand	35 at site perim.; 20 between homes and from access drives	25 at site perim.; 20 between homes and from access drives	15	Sec. 5.2.2(B)	65	30%	8
All other uses	None	None	35	25 for each	35			35%	N/A
RMF-8									
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	8
Dwelling, single-family attached, townhouse, and two- to four- family	10,000	40	15	5 for each building side	10				
Dwelling, multiple-family, group living	16,335 for site	80	30 at site perim.	15 at site perim.; 20 between build-ings	20 at site perim.				
All other uses	None	None	35	25 for each	35			35%	
RMF-15									
Dwelling, single-family detached	5,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	15
Dwelling, single-family attached, townhouse, and two- to four- family	5,000	40	15	5 for each building side	10				
Dwelling, multiple-family, group living	16,335 for site	80	30 at site perim.	15 between building and lot line; 20 between buildings	20 at site perim.				
All other uses	None	None	35	25 for each	35			35%	
PD-R									
See Section 3.6.3(A)									
[1] Minimum lot area and width standards may be reduced to the minimum extent necessary in the RSF-4, RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted affordable housing units.									
[2] Minimum yards and setbacks may be reduced to the minimum extent necessary in the RSF-4, RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted affordable housing units.									
[3] Maximum gross residential density may be increased by up to 20 percent in the RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted housing units designated as affordable for low income residents.									
[4] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

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Table 5.1-3 of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added):

Table 5.1-3. Table of Dimensional Standards in the Business Zoning Districts										
District and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures) [1]	Max. FAR [2]	Max. Gross Residential Density (DU/acre)
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [5]	Side (ft.)	Rear (ft.)	Wetland and Watercourse (ft.)				
OR										
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	N/A	5
Dwelling, single-family attached, townhouse, two- to four-family, and multiple-family	10,000	40	15	5 for each building side	10					
Public and institutional uses	None	None	35	25 for each	35			35%	None	N/A
All other uses			30	20 for each	20					
CN										
Public and institutional uses	None	None	20	10 for each	15	Sec. 5.2.2(B)	65	40%	Lesser of that provided in note [2] or 10,000 sq. ft.	None
All uses			25							
CC										
All uses	None	None	20	None	15	Sec. 5.2.2(B)	65	None	See note [2]	None
CBD										
All uses	None	None	None	None	None	Sec. 5.2.2(B)	65	None	See note [2]	None
CI [3]										
All uses	None	None	20	None	15	Sec. 5.2.2(B)	65	None	See note [2]	None
ILW										
All uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none		Sec. 5.2.2(B)	65	None	See note [2]	None
CP [4]										
Dwelling, single-family	5,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	N/A	0.5
Dwelling, single-family attached, townhouse, and multiple-family	5,000	40	15	5 for each building side	10					

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All other uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none	Sec. 5.2.2(B)	100	None	See note	N/A
IG									
All uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none	Sec. 5.2.2(B)	65	None	See note [2]	N/A
PD-EC									
See Section 3.6.3(C).									
PD-TND									
See Section 3.6.3(B).									
PD-COMM									
See Section 3.6.3(D).									
Notes:									
[1] The maximum lot coverage in the OR district may be increased up to 65 percent by the provision of three or more upper story dwelling units above retail or office uses, provided such units are deed-restricted as affordable housing for low income residents.									
[2] The building square footage occupied by upper story dwelling units that are deed-restricted as affordable housing for low income residents shall not be counted towards the maximum FAR. Floor area ratios for business districts are as follows: 0.5 FAR for parcels five acres or greater; 0.75 FAR for parcels less than five acres, but greater than one acre; 1.0 FAR for parcels one acre or less.									
[3] Minimum lot area, minimum lot width, minimum yard, and minimum setback standards may be reduced by up to 75 percent in the CI districts to accommodate deed-restricted affordable housing units.									
[4] Residential uses in the CP District shall be consistent with the criteria specified in Section 3.5.2(F).									
[5] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

Section 5.2.2(A) of the City's Land Development Regulations is hereby amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed):

5.2.2 *Setbacks and required yards.*

(A) *Definitions of measurement.*

(1) *Building line* means the rear edge of any required front yard or the rear edge of any required setback line.

(2) *Building front yard setback line* means the rear edge of any required front yard as specified within these LDRs.

(3) *Right-of-way* means land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

(4) *Wetland* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally

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include swamps, marshes, bogs and similar areas. The delineation of wetlands has been defined by the uniform statewide methodology adopted by the Florida Department of Environmental Protection and Water Management Districts as outlined in Rule 62-340, Florida Administrative Code, as the rule exists on January 1, 2001. The City shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation. Standards for wetlands setbacks can be found in the current City of Alachua Comprehensive Plan conservation element policies 1.10g and 1.10f.

(5) *Watercourse* means any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed, bank, or other discrete boundary. Surface water setbacks can be found in the current City of Alachua Comprehensive Plan conservation element policy 1.12.d.

(6) *Yard* means a required area unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(7) *Yard, front.*

(a) ~~*Generally.*~~*Definitions* The term "front yard" means ~~a yard extending between side lot lines across the front of a lot adjoining a street.~~the area between the front lot line adjoining a street and any building elevation, extending to any side or rear lot line.

(b) *Through lots.* In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the LDR Administrator may waive the requirement for the normal front yard and substitute a special yard requirement that shall not exceed the average of the yards provided on adjacent lots.

(c) *Corner lots.* ~~In the case of~~Solely for the purpose of determining setbacks of corner lots and reverse frontage lots, a front yard setback shall be required on the road frontage facing the primary building's front building façade. For all other frontages, the required front yard setback shall not be less than the minimum side yard setback and shall not conflict with existing public utility easements. In the CC and CI zoning districts, the yard setback on a road frontage shall be no less than five (5) feet. ~~of the required depth shall be provided on both frontages.~~

(8) *Yard, front, depth required,* means an area measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of corner lots, an area along road frontages measured at right angles to the foremost point of any adjoining side or rear lot line. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the ~~side and~~ front

lot lines and adjoining side or rear lot lines would have met without such rounding.

(9) *Yard, side,* means ~~a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.~~the area between the side lot line and the side building elevation, not including front yards or rear yards.

(10) *Yard, side, depth required,* means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(11) *Yard, rear,* means ~~a yard extending across the rear of the lot between inner side yard lines.~~ the area between the rear lot line and the rear building elevation In the case of through lots ~~and corner lots~~, there will be no rear yards, but only front and side yards.

(12) *Yard, rear, depth required,* means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

(13) *Yard, waterfront,* means a yard measured from and parallel to the mean high-water mark of the lake, stream, or other watercourse on which the lot is located.

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.

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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 22nd day of July, 2013.

PASSED and **ADOPTED,** in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 12th day of August, 2013.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

SEAL

ATTEST:

Traci L. Cain, City Manager/Clerk

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City of Alachua
Planning & Community Development Department
Staff Report

Planning & Zoning Board Hearing Date: July 9, 2013
Legislative Hearing

SUBJECT: A request to amend the City's Land Development Regulations (LDRs) as follows: amending Subsections 2.4.10(B)(2) and (3), relating to the applicability of and exemptions from Section 2.4.10, *Subdivision*; amending Subsection 5.2.2(A), amending the definitions of "yard, front," "yard, front, depth required," "yard, side," and "yard, rear;" and amending Tables 5.1-1, 5.1-2, and 5.1-3 to require front setbacks to be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)

APPLICANT: City of Alachua (Staff-Initiated Amendment)

PROJECT PLANNER: Justin Tabor, AICP

RECOMMENDATION: Staff recommends that the Planning & Zoning Board transmit the proposed Land Development Regulations Text Amendment to the City Commission with a recommendation to **APPROVE**.

RECOMMENDED MOTION: *Based upon the presentation before this Board and Staff's recommendation, this Board finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and transmits the proposed Land Development Regulations Text Amendment to the City Commission, with a recommendation to approve.*

BACKGROUND, PURPOSE, AND SUMMARY OF PROPOSED AMENDMENTS

Amendment #1: Section 2.4.10, Subdivision

Section 2.4.10 of the City's Land Development Regulations (LDRs) establishes the provisions for subdivision review. Prior to the transfer of title or sale of any lots, or the issuance of a building permit, the following development, unless exempted by Subsection 2.4.10(B)(3), is required to subdivide land in accordance with the procedures and standards established in Section 2.4.10:

(1) The division of land into three or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;

(2) All divisions of land involving a new street or change in existing streets;

(3) Resubdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and

(4) The combination or consolidation of lots of record.

Subsection 2.4.10(B)(3) exempts the following development from the standards established in Section 2.4.10:

(1) 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;

(2) A lot split, or the division of a parent tract 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);

(3) The public acquisition by purchase of strips of land for the widening or opening of new streets;

(4) The partition of land by court decree; and

(5) The transfer of property without subdivision by sale, gift, succession, or for the purposes of dissolving tenancy in common among tenants.

The existing regulations provided in Section 2.4.10 of the LDRs do not specifically address nonresidential development, and, due to the varied nature of nonresidential uses, the scale and character of nonresidential development cannot accurately be incorporated into the design of a subdivision. It is not possible to effectively configure the location and size of lots at the time that land is subdivided. The proposed LDR Text Amendment will provide needed flexibility to the development review process by allowing the real estate market to determine the size and availability of land for nonresidential uses when a specific development plan is proposed.

The size of a nonresidential building will vary based upon its use, and a certain use may require additional supporting infrastructure (i.e., parking, stormwater, etc.) which would

not be needed to support a different nonresidential use. For example, a grocery store will need a larger lot than a smaller commercial uses, such as a freestanding bank or restaurant.

The proposed LDR Text Amendment would exempt development consisting of multifamily, office, commercial, or industrial development from the subdivision regulations, provided that such development would not result in the creation, relocation, or extension of any street. Such development would continue to be reviewed through the Site Plan process, and the location and specifications of all utility infrastructure serving the development, including but not limited to water, wastewater, and electrical facilities, would be shown on a Site Plan for such development.

The proposed amendment would not preclude a developer from opting to subdivide such development, and would also clarify that nonresidential subdivisions are not required to show the division of land into lots or parcels, but must show all streets and other required infrastructure improvements.

The amendment also addresses the division of land on property which is developed. The proposed amendment would exempt existing multifamily, office, commercial, and industrial development from the subdivision process when: (1) the development has received approval of a Site Plan pursuant to Section 2.4.9 of the City's LDRs; (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.

Any division of land must also comply with Chapter 177, Part I, Florida Statutes, which relates to the platting (subdivision) of land. The proposed text ensures that any division of land will comply with Chapter 177, Part I, Florida Statutes.

Amendment #2: Subsection 5.2.2(A) & Tables 5.1-1, 5.1-2, and 5.1-3

Subsection 5.2.2(A) of the City's LDRs defines how required yards and setbacks are measured, including but not limited to front, side, and rear yards, and the minimum depth required for such yards.

Subsection 5.2.2(A)(7)(c) requires that in the case of corner lots and reverse frontage lots, a front yard of the required depth be provided on both street frontages. Staff has found that this standard, in certain instances, causes new development to be inconsistent with existing development by requiring the side elevations of a new structure to be set back further from a road than an existing structure on an adjacent parcel. The current standard also results in a smaller building envelope (the area on a lot where a building or structure may be placed) on corner lots and reverse frontage lots than the building envelope of an interior lot of the same acreage, which can cause the scale and character of development on adjacent lots to conflict with one another. Such development is not consistent with the purpose and intent of the current standard.

To address this issue, Staff proposes to amend Subsection 5.2.2(A)(7)(c) to require a front yard setback on the road frontage facing the primary building's front building façade. For all other frontages, the required front yard setback shall not be less than the minimum side yard setback and shall not conflict with existing public utilities easements. In zoning

districts where a side yard setback is not required but is appropriate along road frontages (Community Commercial [CC] and Commercial Intensive [CI]), the yard setback on a road frontage shall be no less than five feet.

To reduce potential conflict between the proposed standards and Tables 5.1-1, 5.1-2, and 5.1-3, which establish the dimensional standards in all zoning districts, the aforementioned tables will be amended to provide a footnote stating that front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.) Staff has also proposed to amend the definitions of "yard, front, depth required," "yard, side," and "yard, rear" to clarify the meaning of current text.

SUMMARY OF PROPOSED TEXT

ARTICLE 2: ADMINISTRATION

Subsection 2.4.10(B)(2), Overview of Development Permits Required

Subsection 2.4.10(B)(2)(b) states, "[f]or 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." The proposed amendment would clarify the purpose and intent of the subdivision process for nonresidential development by stating that nonresidential subdivisions must show all streets and other required infrastructure improvements, but are not required to show the division of land into lots or parcels. (Note: revisions shown in red; text that is <u>underlined</u> is to be added.)

(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. <u>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.</u>

Subsection 2.4.10(B)(3), Exemptions (from the Subdivision Regulations)

Subsection 2.4.10(B)(3) identifies development activity which is exempt from the requirements of Section 2.4.10 of the City's LDRs. The proposed amendment would add a new subsection (f), exempting multifamily, office, commercial, and industrial development which requires Site Plan review from the standards of Section 2.4.10 when such development would not result in the creation, relocation, or extension of any street. The proposed amendment would also add a new subsection (g), exempting existing multifamily, office, commercial, and industrial development from Section 2.4.10 (1) when such development has received Site Plan approval, (2) when all public and private utility infrastructure approved by the Site Plan has been constructed, and (3) when all public utility infrastructure has been accepted by the applicable entity. (Note: revisions shown in red; text that is <u>underlined</u> is to be added.)

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

(a) *Subdivision into tracts.* 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.

(b) *Lot split.* A lot split, or the division of a parent tract 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.

(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.

<u>(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</u>

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) *Existing Nonresidential and/or Multifamily Development.* Existing multifamily, office, commercial and/or industrial development when:

(1) the development 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.

ARTICLE 5: DENSITY, INTENSITY, AND DIMENSIONAL STANDARDS

Tables 5.1-1, 5.1-2, and 5.1-3, Tables of Dimensional Standards in Zoning Districts

Tables 5.1-1, 5.1-2, and 5.1-3 establish the dimensional standards, including but not limited to minimum front, side, and rear yards, minimum lot area, minimum width, maximum lot coverage, and maximum density. The proposed amendment would add a new footnote to each table which states that front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.) (Note: revisions shown in red; text that is underlined is to be added.)

Table 5.1-1. Table of Dimensional Standards in the Conservation and Agricultural Districts									
District and Use	Lots [1]		Minimum Yards and Setbacks [2]				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures)	Max. Gross Density (DU/acre) ~~[3]~~
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [3]	Side (ft.)	Rear (ft.)	Wetland and Watercourse (ft.)			
Conservation District									
All uses	None	None	None	None	None	Sec. 5.2.2(B)	65	None	N/A
Agricultural District [1]									
Single-family dwellings, group living facilities	5 acres	200	30	25 for each	25	Sec. 5.2.2(B)	65	20%	0.20; 0.50 if homesteaded
Conser-vation	None [2]	None	18	None	None			None	For entire subdivision

subdivision [1]									shall not exceed 0.20
All other uses	None	None	30	25 for each	25			20%	N/A
[1] The minimum size for a conservation subdivision development is eight acres, with at least three acres preserved as open space set-aside.									
[2] Individual building lots shall not exceed one acre in size.									
[3] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

Table 5.1-2. Table of Dimensional Standards in the Residential Zoning Districts									
District and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Cover (incl. accessory struc-tures)	Max. Gross Density (DU/acre) [3]
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [4]	Side (ft.)	Rear (ft.)	Wetland and Water-course (ft.)			
RSF-1									
Dwelling, single-family, detached	40,000	100	30	15 for each	15	Sec. 5.2.2(B)	65	40%	1
All other uses	None	None	35	25 for each	35			35%	N/A
RSF-3 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family detached	10,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	3
All other uses	None	None	35	25 for existing; 30 for new	35			50%	
RSF-4 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family, detached	7,500	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	45%	4
Dwelling townhouse, and two- to four-family	7,500 per unit for the first 2 units; 2,000 per unit for each addi-tional	50	15	5 for each building side	10			60%	
All other uses	None	None	35	25 for existing; 30 for new	35			60%	
RSF-6 (District permitted only in areas with community water and sewer systems)									
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	50%	6
Dwelling, single-family attached, townhouse, and two- to four-family	6,000 per unit for first 2 units; 2,000	40	15	5 for each building side	10			60%	

	per unit for each addi-tional								
All other uses	None	None	35	25 for existing; 30 for new	35			60%	
RMH-5									
Dwelling, mobile home	7,500 with public utilities; 20,000 without public utilities	50 with public utilities; 100 without public utilities	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	5 with public utilities; 2 without public utilities
All other uses	None	None	35	25 for each	35			35%; 40% for manufac-tured homes	
RMH-P									
Mobile home park[1], dwelling, mobile home	10 acres for park site; 5,445 per DU; 3,500 per park stand	400 for site; 40 average for park stand	35 at site perim.; 20 between homes and from access drives	25 at site perim.; 20 between homes and from access drives	15	Sec. 5.2.2(B)	65	30%	8
All other uses	None	None	35	25 for each	35			35%	N/A
RMF-8									
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	8
Dwelling, single-family attached, townhouse, and two- to four- family	10,000	40	15	5 for each building side	10				
Dwelling, multiple-family, group living	16,335 for site	80	30 at site perim.	15 at site perim.; 20 between build-ings	20 at site perim.				
All other uses	None	None	35	25 for each	35			35%	
RMF-15									
Dwelling, single-family detached	5,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	15
Dwelling, single-family attached, townhouse, and two- to four- family	5,000	40	15	5 for each building side	10				
Dwelling, multiple-family, group living	16,335 for site	80	30 at site perim.	15 between	20 at site				

				building and lot line; 20 between buildings	perim.				
All other uses	None	None	35	25 for each	35			35%	
PD-R									
See Section 3.6.3(A)									
[1] Minimum lot area and width standards may be reduced to the minimum extent necessary in the RSF-4, RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted affordable housing units.									
[2] Minimum yards and setbacks may be reduced to the minimum extent necessary in the RSF-4, RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted affordable housing units.									
[3] Maximum gross residential density may be increased by up to 20 percent in the RSF-6, RMF-8, and RMF-15 districts to accommodate deed-restricted housing units designated as affordable for low income residents.									
[4] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)									

Table 5.1-3. Table of Dimensional Standards in the Business Zoning Districts										
District and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures) [1]	Max. FAR [2]	Max. Gross Residential Density (DU/acre)
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [5]	Side (ft.)	Rear (ft.)	Wetland and Watercourse (ft.)				
OR										
Dwelling, single-family detached	6,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	N/A	5
Dwelling, single-family attached, townhouse, two- to four-family, and multiple-family	10,000	40	15	5 for each building side	10					
Public and institutional uses	None	None	35	25for each	35			35%	None	N/A
All other uses			30	20 for each	20					
CN										
Public and institutional uses	None	None	20	10 for each	15	Sec. 5.2.2(B)	65	40%	Lesser of that provided in note [2] or 10,000 sq. ft.	None
All uses			25							
CC										
All uses	None	None	20	None	15	Sec. 5.2.2(B)	65	None	See note [2]	None
CBD										
All uses	None	None	None	None	None	Sec. 5.2.2(B)	65	None	See note [2]	None
CI [3]										
All uses	None	None	20	None	15	Sec. 5.2.2(B)	65	None	See note [2]	None
ILW										
All uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none		Sec. 5.2.2(B)	65	None	See note [2]	None
CP [4]										

Dwelling, single-family	5,000	50	20	7.5 for each	15	Sec. 5.2.2(B)	65	40%	N/A	0.5
Dwelling, single-family attached, townhouse, and multiple-family	5,000	40	15	5 for each building side	10					
All other uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none		Sec. 5.2.2(B)	100	None	See note	N/A
IG										
All uses	None	None	20	15, except where railroad spur abuts side or rear property line, then none		Sec. 5.2.2(B)	65	None	See note [2]	N/A
PD-EC										
See Section 3.6.3(C).										
PD-TND										
See Section 3.6.3(B).										
PD-COMM										
See Section 3.6.3(D).										
Notes:										
[1] The maximum lot coverage in the OR district may be increased up to 65 percent by the provision of three or more upper story dwelling units above retail or office uses, provided such units are deed-restricted as affordable housing for low income residents.										
[2] The building square footage occupied by upper story dwelling units that are deed-restricted as affordable housing for low income residents shall not be counted towards the maximum FAR. Floor area ratios for business districts are as follows: 0.5 FAR for parcels five acres or greater; 0.75 FAR for parcels less than five acres, but greater than one acre; 1.0 FAR for parcels one acre or less.										
[3] Minimum lot area, minimum lot width, minimum yard, and minimum setback standards may be reduced by up to 75 percent in the CI districts to accommodate deed-restricted affordable housing units.										
[4] Residential uses in the CP District shall be consistent with the criteria specified in Section 3.5.2(F).										
[5] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)										

Subsection 5.2.2(A), Definitions of Measurement

Subsection 5.2.2(A) of the City's LDRs defines how required yards and setbacks are measured, including but not limited to front, side, and rear yards, and the minimum depth required for such yards. The proposed amendment would amend Subsection 5.2.2(A)(7)(c) to require a front yard setback on the road frontage facing the primary building's front building façade. For all other frontages, the required front yard setback shall not be less than the minimum side yard setback and shall not conflict with existing public utilities easements. In zoning districts where a side yard setback is not required but is appropriate along road frontages (Community Commercial [CC] and Commercial Intensive [CI]), the yard setback on a road frontage shall be no less than five feet. The proposed amendment would also amend the definitions of "yard, front," "yard, front, depth required," "yard, side," and "yard, rear" to clarify the meaning of current text. (Note: revisions shown in red; text that is <u>underlined</u> is to be added and text that is shown as ~~strikethrough~~ is to be removed.)

5.2.2 *Setbacks and required yards.*

(A) *Definitions of measurement.*

(1) *Building line* means the rear edge of any required front yard or the rear edge of any required setback line.

(2) *Building front yard setback line* means the rear edge of any required front yard as specified within these LDRs.

(3) *Right-of-way* means land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

(4) *Wetland* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The delineation of wetlands has been defined by the uniform statewide methodology adopted by the Florida Department of Environmental Protection and Water Management Districts as outlined in Rule 62-340, Florida Administrative Code, as the rule exists on January 1, 2001. The City shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation. Standards for wetlands setbacks can be found in the current City of Alachua Comprehensive Plan conservation element policies 1.10g and 1.10f.

(5) *Watercourse* means any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed, bank, or other discrete boundary. Surface water setbacks can be found in the current City of Alachua Comprehensive Plan conservation element policy 1.12.d.

(6) *Yard* means a required area unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(7) *Yard, front.*

(a) ~~*Generally.*~~*Definitions* The term "front yard" means ~~a yard extending between side lot lines across the front of a lot adjoining a street.~~the area between the front lot line adjoining a street and any building elevation, extending to any side or rear lot line.

(b) *Through lots.* In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the LDR Administrator may waive the requirement for the normal front yard and substitute a special yard requirement that shall not exceed the average of the yards provided on adjacent lots.

(c) *Corner lots.* ~~In the case of~~Solely for the purpose of determining setbacks of corner lots and reverse frontage lots, a front yard setback shall be required on the road frontage facing the primary building's front building façade. For all other frontages, the required front yard setback shall not be less than the minimum side yard setback and shall not conflict with existing public utility easements. In the CC and CI zoning districts, the yard setback on a road frontage shall be no less than five (5) feet. ~~of the required depth shall be provided on both frontages.~~

(8) *Yard, front, depth required,* means an area measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of corner lots, an area along road frontages measured at right angles to the foremost point of any adjoining side or rear lot line. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the ~~side and~~ front lot lines and adjoining side or rear lot lines would have met without such rounding.

(9) *Yard, side,* means ~~a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both~~

~~frontages shall be considered side yards.~~the area between the side lot line and the side building elevation, not including front yards or rear yards.

(10) *Yard, side, depth required,* means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(11) *Yard, rear,* means ~~a yard extending across the rear of the lot between inner side yard lines.~~ the area between the rear lot line and the rear building elevation In the case of through lots ~~and corner lots~~, there will be no rear yards, but only front and side yards.

(12) *Yard, rear, depth required,* means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

(13) *Yard, waterfront,* means a yard measured from and parallel to the mean high-water mark of the lake, stream, or other watercourse on which the lot is located.

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.

Amendment #1: Section 2.4.10, Subdivision

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

Evaluation & Findings: *This amendment does 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: *This amendment does 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: *The City's current Land Development Regulations have been in effect since February 27, 2006, and do not specifically address the applicability of subdivision regulations to nonresidential development. The scale and character of nonresidential development typically cannot be designed and incorporated into the design of a subdivision due to the varied nature of such nonresidential uses, which restricts the subdivider from effectively designing and configuring lot lines and sizes for nonresidential uses.*

The size of a nonresidential building will vary based upon its use, and a certain use may require additional supporting infrastructure (i.e., parking, stormwater, etc.) which may not be needed for a different nonresidential use. For example, a grocery store will need a larger lot than a smaller commercial use, such as a freestanding bank or restaurant. Unless the future use of a property is known at the time that land is subdivided, it is not possible to effectively configure the location and size of lots for nonresidential uses.

The proposed amendment will provide flexibility to development to divide land as the real estate market dictates, while providing alternative mechanisms to ensure that public and private utility infrastructure will be provided and will be able to serve the development.

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

Evaluation & Findings: *As noted, given the varied nature and scale of nonresidential development, it is difficult to effectively design and configure lot lines of nonresidential land unless the future use of the land is known. The use of nonresidential land is ultimately determined by real estate market demands. The current subdivision regulations do not provide flexibility to allow the real estate market to determine the size and configuration which is needed. The proposed amendment will provide the needed flexibility, while also ensuring that the public and private utility infrastructure is provided and will be able to serve the development.*

(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: *The proposed amendment will provide more efficient development procedures for nonresidential development within the City. As noted, real estate market demands ultimately determine the use of nonresidential land. The current subdivision regulations do not provide the flexibility which is needed to allow the real estate market to adapt to its demands.*

In addition, the proposed amendment would exempt existing nonresidential and multifamily development from the subdivision process only when the development (1) has received approval of a Site Plan, (2) has constructed all public and private utility infrastructure approved by the Site Plan, and (3) all public utility

infrastructure has been accepted by the applicable entity. These requirements will ensure that new utility infrastructure is designed and constructed in a manner acceptable to the City while providing a more efficient review process for nonresidential development. Any development which proposes to create, relocate extend a street will continue to require subdivision of land.

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

Evaluation & Findings: *The proposed amendment will not conflict with the provisions of Subsection 2.4.10(B)(1), which requires the division of any land resulting in three or more lots, building sites, or other divisions to be reviewed through the subdivision process, nor does the proposed amendment conflict with Chapter 177, Part I, Florida Statutes, which relates to platting (subdivision.) The proposed amendment will provide a mechanism for the division of nonresidential lands as warranted by real estate market demands, while requiring the utility infrastructure serving new development to be reviewed and approved through the Site Plan process. When the division of land is proposed within existing development, such division would be exempt from the subdivision process only when the utility infrastructure serving existing development has been approved, constructed, and accepted by the entity maintaining such infrastructure. New nonresidential development and redevelopment will continue to be subject to the provisions of Section 2.4.9, which establishes the review process for Site Plans, and will continue to be subject to the standards of Article 6, Development Standards, of the Land Development Regulations. Based upon the preceding, the proposed amendment will encourage logical and orderly 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: *The proposed amendment will 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: *The proposed amendment will have no impact to the provision of public facilities.*

Amendment #2: Subsection 5.2.2(A) & Tables 5.1-1, 5.1-2, and 5.1-3

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

Evaluation & Findings: *This amendment does 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: *This amendment does 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: *The proposed amendment to Subsection 5.2.2(A) are not the result of changed conditions, however, the amendment will clarify the purpose and intent of the current definitions for "yard, front, depth required," "yard, side," and "yard, rear." The proposed amendment to Subsection 5.2.2(A)(7)(c) will provide further assurance that development on corner lots and reverse frontage lots is consistent with the character and scale of development on interior lots along the same block.*

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

Evaluation & Findings: *The proposed amendment has no effect on the needs of the community, however will provide further assurance that development on corner lots and reverse frontage lots is consistent with the character and scale of development on interior lots along the same block.*

(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: *The proposed amendment will result in development that is more compatible with surrounding parcels. Subsection 5.2.2(A)(7)(c) requires corner lots and reverse frontage lots to provide front yard setbacks along both frontages. This results in a smaller building envelope (the area on a lot where a building or structure may be placed) on corner lots and reverse frontage lots than the building envelope of an interior lot of the same acreage. The proposed amendment would amend the referenced subsection to establish setbacks on corner lots and reverse frontage lots which are consistent with the setbacks on interior lots. This will provide a building envelope for corner lots and reverse frontage lots which is comparable in size to the building envelope for interior lots, which will in turn provide further assurance that development on corner lots and reverse frontage lots is consistent with the character and scale of development on interior lots along the same block.*

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

Evaluation & Findings: *As noted, the proposed amendment will result in development that is more compatible with surrounding parcels. The proposed amendment would amend the Subsection 5.2.2(A)(7)(c) to establish setbacks on corner lots and reverse frontage lots which are consistent with the setbacks on interior lots. This will provide a building envelope for corner lots and reverse frontage lots which is comparable in size to the building envelope for interior lots, which will in turn provide further assurance that development on corner lots and reverse frontage lots is consistent with the character and scale of development on interior lots along the same block.*

(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: *The proposed amendment will 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: *The proposed amendment will have no impact to the provision of public facilities.*

Citizens board approves 7% rate hike

Rates will go up by an average of 7 percent statewide.

The Associated Press

MIAMI — Florida's largest property insurer has approved another round of rate hikes that could affect more than a million policyholders.

The board for Citizens Property Insurance Corp. voted Wednesday to raise rates by a statewide average of 7 percent next year, adding $178 million in new insurance costs for policyholders.

Many customers face higher increases because they use Citizens to cover only storm-related damages. For example, tens of thousands of homeowners in coastal counties such as Broward, Collier, Miami-Dade, Escambia and Palm Beach could face a 10.7 percent hike. That would translate to an average premium increase of as much as $300 or $400 a year.

Other Citizen customers who have complete homeowners coverage could see their rates go up by a smaller percentage, if state regulators approve the hikes. Some homeowners in Sarasota, Santa Rosa and Walton counties may only see their rates increase by 5 percent to 6 percent.

The overall statewide rate hike does not reflect increases the board approved for sinkhole coverage, which is not subject to the state's annual 10 percent cap. Citizens' staff had recommended a 27.3 percent hike for sinkhole policyholders, but the board approved a slightly lower increase, voting to phase in rates in the three hardest-hit counties to cushion the impact. Policyholders in Pasco and Hernando counties will pay 20 percent of the increase, while homeowners in Hillsborough County will pay half the rate hike.

Gov. Rick Scott and others have pushed to reduce the size of Citizens out of fears that it could not handle its losses following a major storm.

LARKIN: Deputies said they found his revolver

Continued from 1B

girlfriend's home, where he waited for her to come outside and drive him out of the area to Gainesville.

While waiting, he heard footsteps coming up behind him and turned around to see Larkin 15 feet away and pointing the same black revolver at him, deputies said. The victim took off running and ducking for cover as Larkin fired two shot at him, according to the report.

The victim told deputies that as he ran, he heard Larkin shout: "I got one more shot left." He turned and saw Larkin wrapping the gun in a white washcloth and tucking it into his waist.

Deputies later recovered a black revolver wrapped in a white cloth from under a porch near the location of the second episode of gunfire. The victim identified it as the one used in the shooting. It had four spent .38 special casings and one live round remaining, deputies said.

Larkin was later found in Jonesville, although it is unclear what led deputies to the address.

Authorities took Larkin into custody on charges of attempted first-degree murder and possession of a firearm by a convicted felon. Larkin was also booked into the Alachua County jail on the felony warrant for domestic battery on a pregnant woman, stemming from a June 9 attack on his sister, who was six months' pregnant at the time.

He was being held on Wednesday on $100,000 bond.

BLOOD DRIVE: People can donate starting at age 16

Continued from 1B

complexes around town.

During the Bleed-a-thon, LifeSouth aims to collect 2,013 donations — a "lofty goal," Gibbons said, but one that's reasonable to keep pace with the demand at local hospitals.

LifeSouth, which Gibbons calls a "steward" of the community's blood and a liaison between it and the hospitals, ideally has three to five days of blood of each of the four types (A, B, AB and O) ready to give, which drops to between one and four during the summer.

"We want to make sure that we have a fresh inventory because doctors want to use fresh blood," Gibbons said. "There's no break in the blood donation world."

Despite the summer lull, Gibbons said "Gainesville is a very loyal donor base. We have more donors per capita than any other center in the country."

Roughly 35 percent of the population is eligible to donate blood, and about 10 percent actually do, Gibbons said. You can start donating at age 16, and there's no age limit on donating. But if you've lived in a country where malaria is present, you have to wait 12 months before donating; and people who lived in most European countries for five years, or on a U.S. base in those countries for sixth months, starting in 1980 can't donate because of the risk of Mad Cow disease, a fatal brain disease that in humans is called Creutzfield-Jacob Disease and can be transmitted through blood transfusions.

LifeSouth now is pushing to recruit new donors and also increase the amount of donations of regular donors. You can donate as many as six times a year.

Mariah Jones, an instructor at Gainesville Health & Fitness, was giving her regular donation on Wednesday. "I've been donating for a while. I just heard it saves lives," she said. "I can spare a little blood if somebody needs it."

Odom became a dedicated donor during his time in the Navy.

"They called them 'Vampire liberty' days. If you gave blood, you had the rest of the day off," Odom said. "Then I realized (donating) was painless and easy. I believe a little bit in Karma. What comes around goes around, and I actually did benefit from a blood donation."

Stringer, whose job is to snag potential donors at the doorway, said the gym is one of the easier places to find new recruits.

"This is a health community," Gibbons said. "They realize (donating) is about health."

To find out where you can donate blood during the Bleed-a-thon, go to www.lifesouth.org and search under the Blood Mobile locator; or call 334-1000.

Contact Kristine Crane at 338-3119 or kristine.crane@gvillesun.com

CAPTAINS: One said best days were in the 1970s

Continued from 1B

series and the James Bond film "Moonraker" and, along the river's edge, alligators lolling in the sun next to a row of turtles sunbathing on a fallen log.

The good ol' days

For the three veteran boat captains, fond memories abound.

"The spring's water is just as clear and just as beautiful as it was 57 years ago," Roosevelt Faison said. "One of the highlights was back in the days when we had what we called a 'fish football game.' We'd drop this big wad of bread down there. The bream we named the 'Army,' and the catfish were the 'Navy.' The Army would just move the dough ball around, but the Navy could put it in their mouth. That's why they always won."

Though fewer in number these days, the river's fish population still includes gar, bluegill, bream, catfish and bass, but not as many.

"That's one of my disappointments, the fish leaving and a lot more algae growing," Roosevelt Faison said. "Years ago, you could stand on the dock and look out on the river and the eel grass would glow, that's how shiny it was. Now, it's covered with algae. When the state comes in, I'd like to see them come out with a barge and a net and start cleaning up the algae. It'll take years to clean it up. I won't see it in my lifetime."

The Faisons and Collins grew up together in Fort McCoy, and Collins married the Faisons' sister. Roosevelt was the first of the three to take a job at Silver Springs. David followed within a couple years and, 10 years later, the brothers helped train Collins.

The captains receive Coast Guard training, with some limitations, Collins said.

"The toughest thing was docking," he said. "These boats have a flat bottom, so they operate different from any other boat, especially on windy days. I had some bump the dock. My brother-in-law trained me to dock the boat and do a good job with it. I can do it with my eyes closed now."

David Faison laughs about the first time he tried to walk around the outside ledge on his boat to get inside, the only way a captain can get past a crowd of visitors.

"I didn't have but two inches to walk on, and, oo-ee, I hit the water," he said. "I just lost my balance and I turned around and jumped for the dock. I come up out of the water, stepped back on the boat and carried 'em off down the river."

Occasionally, the unexpected happens, such as Collins' recollection of the day his boat passed over an alligator lying on the river bottom.

"That's unusual," he said. "Most of the time, they're on the bank. The people couldn't believe it. Some people think they're not real until they make a move."

Local folks might remember the Silver Springs billboards that once stood along the highway. Collins said he was the one waving from the boat in the blown-up photo. The same image also was on the front of the park's promotional T-shirts at the time, he said.

5 decades of transitions

During their careers at Silver Springs, the Faisons and Collins saw the park change hands numerous times, starting with the joint ownership of Carl Ray and W.M. Davidson. According to the Silver Springs website, the property was owned by the American Broadcasting Company and Florida Leisure Attractions, which sold it to the state in 1993 but continued to manage the attraction through a lease agreement. The lease passed to Ogden Entertainment in 1996 and to Palace Entertainment in 2002.

"The best days were in the '70s," Roosevelt Faison said. "That's when we had more attendance here. There was Six Gun Territory and Rainbow Springs down in Dunnellon. It was something to get off the interstate for them three parks. Then, we lost Six Gun, and the state took over Rainbow Springs. And Disney drew people to Orlando."

The Silver Springs website also describes the evolution of the glass-bottom boat, which was designed by Hullam Jones in 1878. Also in the late 1870s, Phillip Morell, a resident of Silver Springs, built a glass-bottom rowboat and sold rides above the springs.

Silver Springs acquired its glass-bottom boats around the turn of the 20th century. In 1909, C. "Ed" Carmichael installed cushioned seats and canopies. The early gasoline engines were converted to electric in 1932.

Collins said the former boats were made of wood and had Carl Ray's family names painted on them. The newer versions are constructed of aluminum and bear Seminole Indian names.

"They were smaller back in the day," Collins said. "They carried about 25 people. Now they can carry 35."

Three of the boats are operating and 15 are on reserve. Each of the captains is paired with his own boat. Collins generally pilots the Chief Yoholo. David Faison drives the Chief Micanopy and Roosevelt drives the Chief Neameth.

"I'd like to see another boat ride come in here. The old standards were the glass-bottom boats and the Jungle Cruise," Collins said.

The Florida Department of Environmental Protection last month opened discussions with potential vendors to provide services at the park. DEP spokeswoman Dee Ann Miller said last week that talks with Ocala-based concessionaires to handle music concerts, special events and a recreational service are ongoing. Those firms include Diversified Event Productions, a concert promoter that seeks to use the Twin Oaks Mansion at Silver Springs for up to 22 concerts a year; What's Up Media, a special events coordinator; and Eco-Recreation Management, which operates Discovery Kayak Tours.

She said the state also is working with possible concessionaires to provide food service and run the glass-bottom boats.

BLANCHARD: His father didn't make statement

Continued from 1B

Sheriff's deputies and Alachua County Fire Rescue responded to the scene of the stabbing, where they reported learning that Bamboo's younger brother had been using the knife for another purpose before laying it down on his bed. Blanchard then picked up the knife and gazed at it while stating, "I wonder what it would be like to take a life," deputies reported.

Blanchard then rubbed the knife on his chest near his heart and said he didn't think he could "handle it," the report said.

Blanchard then walked to his father's bedroom while being trailed by his younger brother and suddenly stabbed his father in the chest, deputies reported.

Alachua County Fire Rescue transported the elder Blanchard to UF Health Shands Hospital, where he told law enforcement he initially thought his son had punched him in the chest but looked down and saw he had been stabbed, according to the report. The father then refused to give a sworn written statement regarding the events.

Bamboo Blanchard also refused to speak to deputies and only grunted during his interview, deputies said.

There were at least two other children in the home during the stabbing, and deputies reported that they were left at the scene in the care of their eldest brother.

Obituary Information

All obituaries are paid notices and are placed by the funeral home or crematorium handling the arrangements as a service to the family.

For more information:
337-0304 or 374-5017
obits@gvillesun.com
fax: (352) 338-3131

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NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the Planning and Zoning Board of the City of Alachua will hold a public hearing on July 9, 2013, at 6:30 p.m. The hearing will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider a request by the City of Alachua to amend the City's Land Development Regulations as follows: amending Subsections 2.4.10(B)(2) and (3), relating to the applicability of and exemptions from Section 2.4.10, Subdivision; amending Subsections 5.2.2(A), amending the definitions of "yard, front," "yard, front, depth required," "yard, side," and "yard, rear;" and amending Tables 5.1-1, 5.1-2, and 5.1-3 to require front setbacks to be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)

At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

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gathering dust around Williams, pastor.

City of ALACHUA

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(Published:Alachua County Today - June 13, 2013)

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Woman charged with sneaking onto Air Force base

The Associated Press

TAMPA — U.S. Sen. Bill Nelson wants to know how a homeless woman was able to sneak onto MacDill Air Force Base four times.

The Tampa Bay Times first reported the incidents. A spokesman for Nelson said Tuesday the senator has asked the Air Force for an explanation and a briefing on base security.

"We want to know how it happened and what's being done to make sure it doesn't happen again," said spokesman Ryan Brown.

Suzanne Jensen, 50, told officials she slipped onto the base by turning a garbage can upside down and climbing a wall. Records show she stayed on the base for days at a time.

An affidavit said she was caught on MacDill property in October, November and December of 2012 and in January of this year.

MacDill officials declined to comment on Jensen's actions, saying the base is working with the U.S. Attorney's Office to investigate the case.

Jensen was cited by MacDill officials and charged with four trespassing counts and possession of a stolen military ID; during one instance, she was caught by officials at a gym on the base and was found with a stolen ID.

Jensen told officers that "for about eight days she had been living inside a boat that was on a trailer parked in the base's family Camp area," an affidavit said.

Jensen was charged last month with four trespassing charges and possession of a stolen military ID. She has not yet been arrested on the charges and is not yet represented by a lawyer.

She also pleaded guilty in August 2012 after trespassing at Fort Myer in Virginia. She was sentenced to time served.

In 2007, she was charged with two federal trespass counts in North Carolina in a case that was eventually dismissed. Court records are unavailable and it is unclear if she was arrested for entering a military installation. But Jensen's address was listed as general delivery at Fort Bragg, a North Carolina Army base.

Man accused of pouring gas near children and fireworks

The Associated Press

NAPLES — A Southwest Florida man faces charges after authorities say he poured gasoline near children lighting fireworks on the Fourth of July and pushed a man out of a wheelchair.

The Collier County Sheriff's Office reported that 72-year-old Richard D. Rice told deputies that his North Naples neighbors had been lighting fireworks for two hours last Thursday and that the sound bothered his dogs.

Witnesses said Rice brought a container labeled "gas" from his home and poured it on the street.

When a man in a wheelchair approached Rice, the Naples Daily News reported that Rice tipped the wheelchair over.

PUBLIC NOTICE OF ENACTMENT OF AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the City Commission of the City of Alachua will hold a public hearing on a proposed ordinance. The hearing will be held on July 22, 2013 at 6:30 p.m., in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida.

The ordinance title is as follows:

ORDINANCE 13-12

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING SUBSECTION 2.4.10(B)(2) AND (3), RELATING TO THE APPLICABILITY OF AND EXEMPTIONS FROM SECTION 2.4.10, SUBDIVISION; AMENDING SUBSECTION 5.2.2(A)(7), AMENDING THE DEFINITIONS OF "YARD, FRONT," "YARD, FRONT, DEPTH REQUIRED," "YARD, SIDE," AND YARD, REAR;" AND AMENDING TABLES 5.1-1, 5.1-2, AND 5.1-3 TO REQUIRE FRONT SETBACKS TO BE CONSISTENT WITH THE DEFINITION OF "YARD, FRONT" AS PROVIDED IN SUBSECTION 5.2.2(A)(7); PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

At the public hearing, all interested parties may appear and be heard with respect to the proposed ordinance. Copies of the proposed ordinance and related materials are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the proposed ordinance may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

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Iawthorne to safeguard ıfficial records

By ALEX HART
Today Reporter

HAWTHORNE – The ity of Hawthorne will be aking a change to the way ıey store official records. he city is planning to art construction of a new ıom designed for record ıtention and storage urposes.

While the change may ɜem trivial to some, for ity Hall employees, it's a ıajor improvement.

"We've been working n this for a while now, nd I have the bids ready ı go so hopefully we can egin construction soon," aid Ellen Vause, City of Iawthorne city manager.

The space that is urrently used for record torage is in the fire station, nd is not up to code for toring the city's official ecords, and could result n damage over a period of ime. This is due in large ıart to moisture entering he room, which can be ıxtremely detrimental ɔr long-term document ıtorage.

The plan is to construct a new room in the water treatment plant to house the records permanently. It will be built to the necessary specifications required to provide a safe place for the city's historical files, as well as still allow access to the community to retrieve records.

"The procedure will remain the same for anyone who wants to use the facility," said Vause. "They will meet with the city clerk, who will then escort them to the room, help them locate their document and make copies for them."

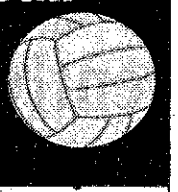
Construction will last no more than 30 days to complete the room, and depending on the company selected, could cost the city anywhere from $12,000 to $17,000.

"As soon as a bid is authorized at the next commission meeting, July 16, the project will be under way," Vause said.

# # #

Email ahart@alachuatoday.com

Santa Fe Volleyball Mini Camp
July 15-18
9 a.m. - 12 p.m.



Under Direction of SFHS Head Volleyball Coach Michele Faulk
Camp Is Geared to Beginners Ages 8 - 13
Fundamentals & One-on-One Instruction
Cost is $100

Visit SFHS Schoolboard Website Sports Section for Application and Instructions
Mail to SFHS at 16213 NW U.S. Highway 441, Alachua, FL 32615, ATTN: Michele Faulk

City of ALACHUA

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(Published:Alachua County Today - July 11, 2013)

City Commission

Ordinance 13-12

Land Development Regulations Text Amendment

Section 2.4.10, Subdivisions

Subsection 5.2.2(A), Definitions/Measurement of Lots

Legislative Hearing

July 22, 2013

Overview

- A request by the City of Alachua (Staff-initiated amendment)
- Land Development Regulations (LDRs) Text Amendment
  - To amend:
    1. Subsections 2.4.10(B)(2) and (3) of the City's LDRs, which relate to the applicability of and exemptions from Section 2.4.10, *Subdivisions*
    2. Subsection 5.2.2(A), amending the definitions of "yard, front," "yard, front, depth required," "yard, side," and "yard, rear;" and amending Tables 5.1-1, 5.1-2, and 5.1-3 to require front setbacks to be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7)

Section 2.4.10, Subdivision

- Section 2.4.10 of the City's Land Development Regulations (LDRs) establishes the provisions for subdivision review
  - The following development, unless exempted by Subsection 2.4.10(B)(3), is required to subdivide land:
    - The division of land into three or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;
    - All divisions of land involving a new street or change in existing streets;
    - Resubdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
    - The combination or consolidation of lots of record.

Section 2.4.10, Subdivision

- Existing regulations provided in Section 2.4.10 do not specifically address nonresidential development
  - The scale and character of nonresidential development cannot accurately be incorporated into the design of a subdivision
  - Proposed LDR Text Amendment will provide needed flexibility to the development review process
    - Will allow the real estate market to determine the size and availability of land for nonresidential uses when a specific development plan is proposed

Section 2.4.10, Subdivision

- Proposed LDR Text Amendment would exempt development consisting of multifamily, office, commercial, or industrial development from the subdivision regulations, provided that such development would not result in the creation, relocation, or extension of any street
  - Development would continue to be reviewed through the Site Plan process
    - Location and specifications of utility infrastructure serving the development would be shown on a Site Plan
  - Amendment does not preclude a developer from opting to subdivide nonresidential development exempted from the subdivision process
  - Amendment clarifies that nonresidential subdivisions are not required to show the division of land into lots or parcels, but must show all streets and other required infrastructure improvements

Section 2.4.10, Subdivision

- Amendment would also exempt existing multifamily, office, commercial, and industrial development from the subdivision process when:

  1. Development has received approval of a Site Plan pursuant to Section 2.4.9 of the City's LDRs;
  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.

NOTE: Any division of land must also comply with Chapter 177, Part I, Florida Statutes, which relates to the platting (subdivision) of land. The proposed text ensures that any division of land will comply with Chapter 177, Part I, Florida Statutes.

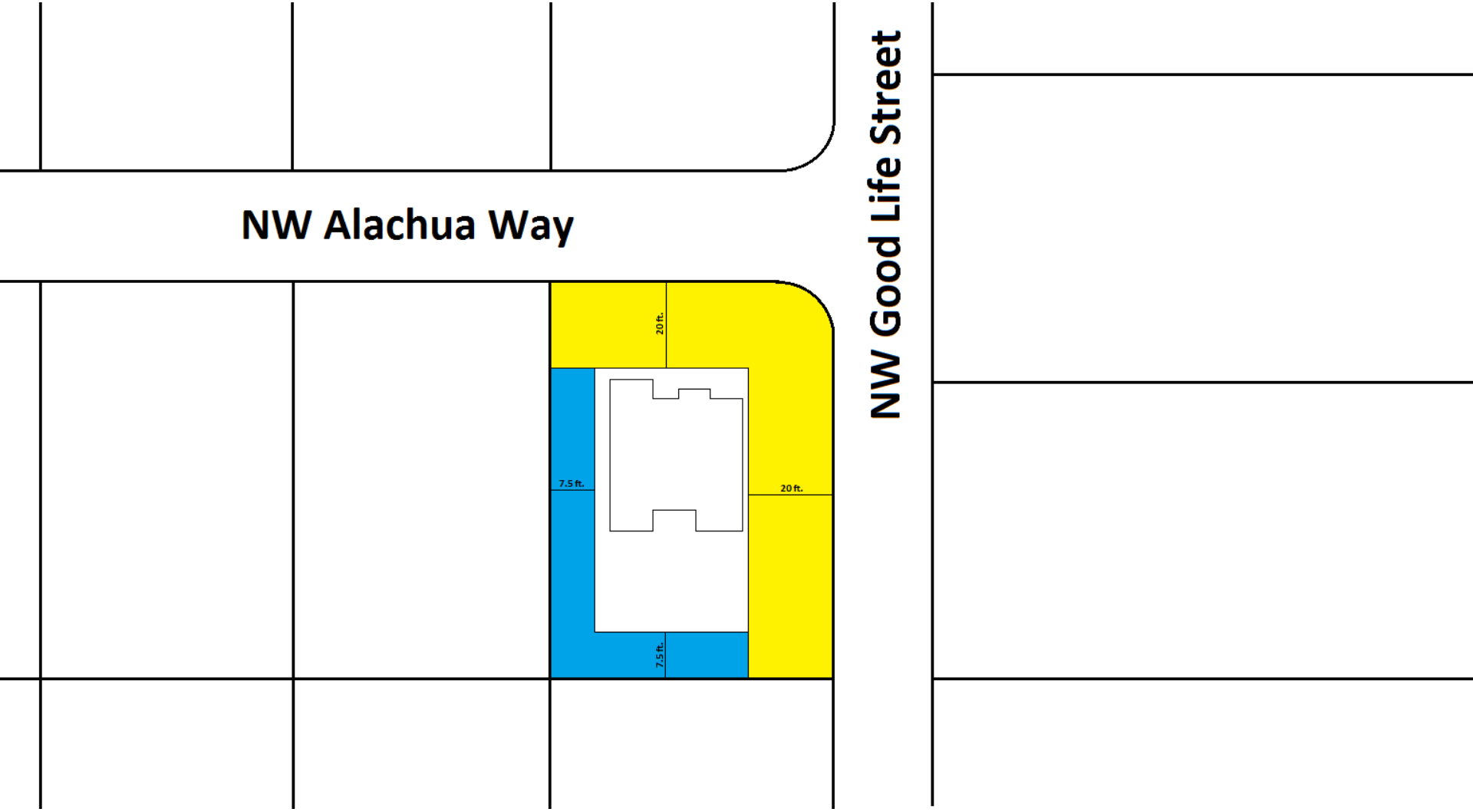
Subsection 5.2.2(A), Definitions/ Measurements of Lots

- Subsection 5.2.2(A) of the City's LDRs defines how required yards and setbacks are measured and the minimum depth required for yards
- Subsection 5.2.2(A)(7)(c) requires that in the case of corner lots and reverse frontage lots, a front yard of the required depth be provided on both street frontages
  - This standard can cause new development to be inconsistent with existing development
    - Side elevations of new structures may be set back further from a road than an existing structure on an adjacent parcel
  - Current standard results in smaller building envelopes on corner lots and reverse frontage lots than the building envelope of interior lots of the same acreage
    - Can cause the scale and character of development on adjacent lots to conflict with one another

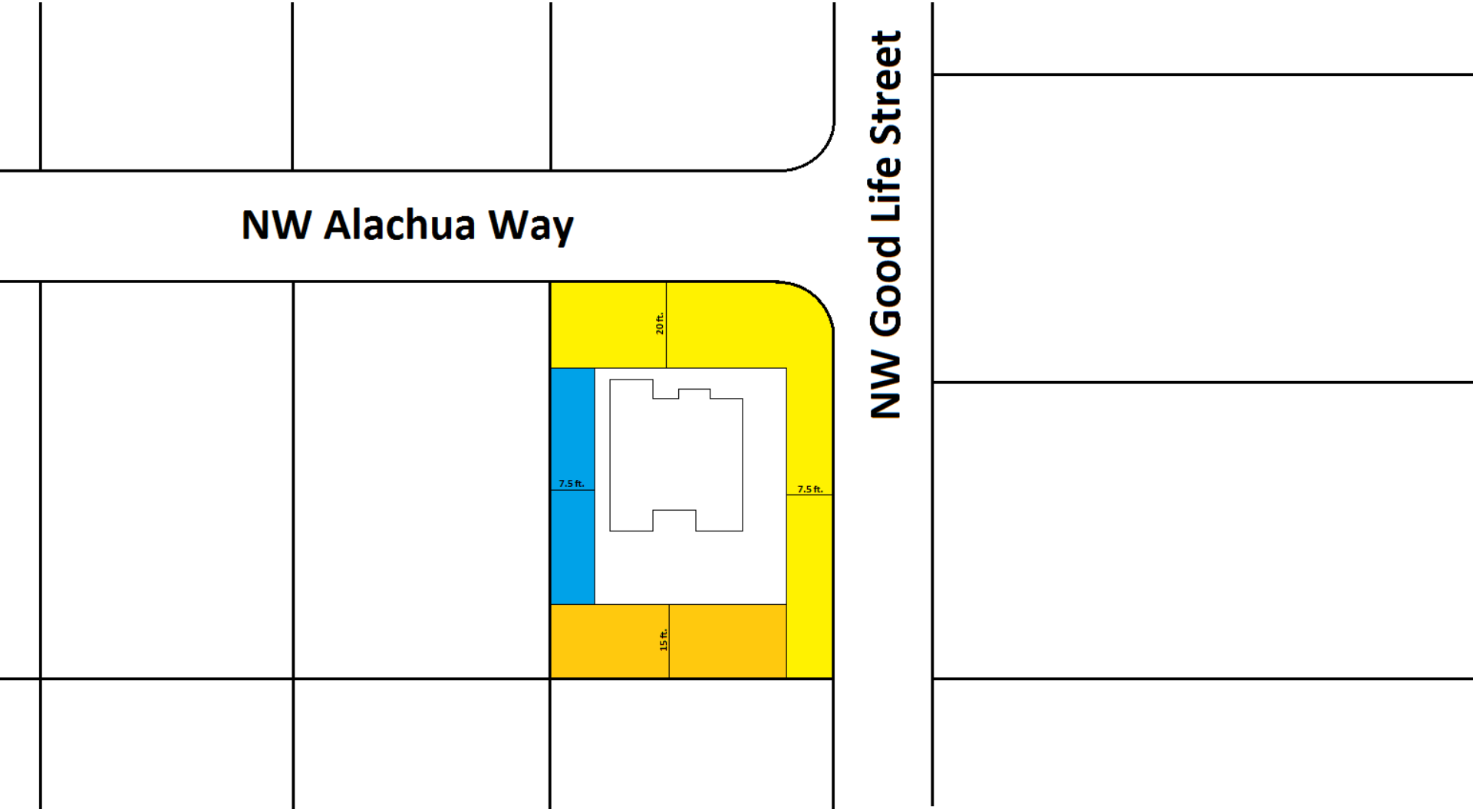
Subsection 5.2.2(A), Definitions/ Measurements of Lots

- Amend Subsection 5.2.2(A)(7)(c) to require front yard setback on the road frontage facing the primary building's front building façade.
  - For all other frontages: required front yard setback shall not be less than the minimum side yard setback; shall not conflict with existing public utilities easements.
  - In zoning districts where side yard setback is not required, but is appropriate along road frontages (Community Commercial [CC] and Commercial Intensive [CI]), yard setback on road frontage shall be no less than five feet.
- Amend Tables 5.1-1, 5.1-2, and 5.1-3, which establish the dimensional standards in all zoning districts, to provide a footnote stating that front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)
- Amend the definitions of "yard, front, depth required," "yard, side," and "yard, rear" to clarify the meaning of current text

Section 5.2.2(A)(7)(c): Existing Regulations



Section 5.2.2(A)(7)(c): Proposed Regulations



Compliance with LDR Standards

- Section 2.4.1(E)(1) of the LDRs establishes eight (8) standards with which all text amendments must be found to be compliant
  - Proposed text amendment has been reviewed for and is found to be in compliance with the standards defined in Section 2.4.1(E)(1)

Planning & Zoning Board Recommendation

- On July 9, 2013, the Planning & Zoning Board (PZB) voted 3-0 to transmit the proposed LDR Text Amendment to the City Commission with a recommendation to approve.

Recommendation

Staff recommends that the City Commission:

1. Approve Ordinance 13-12 on First Reading; and
2. Schedule second and final reading for August 12, 2013.

City Commission

Ordinance 13-12

Land Development Regulations Text Amendment

Section 2.4.10, Subdivisions

Subsection 5.2.2(A), Definitions/Measurement of Lots

Legislative Hearing

July 22, 2013