



# City of Alachua

## Planning & Community Development Department Staff Report

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

July 9, 2013

**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 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.

***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 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

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) <del>[3]</del>
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) <u>[3]</u>	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
Conservation	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.)

District and Use	Lots		Minimum Yards and Setbacks				Wetland and Water-course (ft.)	Max. Height (ft.)	Max. Lot Cover (incl. accessory structures)	Max. Gross Density (DU/acre) [3]
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [4]	Side (ft.)	Rear (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 additional	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 additional								
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 manufactured homes	
RMH-P									
Mobile home park <sup>1</sup> , 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 buildings	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.									
<b>[4] Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)</b>									

Table 5.1-3. Table of Dimensional Standards in the Business Zoning Districts											
District and Use	Lots		Minimum Yards and Setbacks				Wetland and Watercourse (ft.)	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.)						
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						
All other uses			30	20 for each	20			35%	None	N/A	
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] <u>Front setbacks shall be consistent with the definition of "yard, front" as provided in Subsection 5.2.2(A)(7.)</u>										

### ***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 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 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 or 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.*