

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2022-
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE 40, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 403 ZONING DISTRICTS RELATED TO STANDARDS FOR THE RM ZONING DISTRICT, CHAPTER 404 USE REGULATIONS RELATED TO ACCESSORY DWELLING UNITS, CHAPTER 405 SPECIAL DISTRICTS AND ACTIVITY CENTERS RELATED TO STREET AND PARKING DESIGN, AND CHAPTER 407 GENERAL DEVELOPMENT STANDARDS RELATED TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT STREET AND PARKING DESIGN; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

1 WHEREAS, the Board of County Commissioners, acting as the Land Development
2 Regulation Commission, has determined that the land development regulations that are the
3 subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

4 WHEREAS, a duly noticed public hearing was conducted on such proposed amendment
5 on January 11, 2021 by the Board of County Commissioners, with the hearing being held after
6 11:30 a.m.; and,

7 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
8 ALACHUA COUNTY, FLORIDA:

9 Section 1. Legislative Findings of Fact. The Board of County Commissioners of
10 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of
11 this ordinance are true and correct.

12 Section 2. Unified Land Development Code. The Unified Land Development Code of
13 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and
14 attached hereto.

15 Section 3. Modification. It is the intent of the Board of County Commissioners that the
16 provisions of this ordinance may be modified as a result of considerations that may arise during
17 public hearings. Such modifications shall be incorporated into the final version of the ordinance
18 adopted by the Board and filed by the Clerk to the Board.

19 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
20 are, to the extent of the conflict, hereby repealed.

21 Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
22 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time

1 as the Development Regulations of Alachua County are codified, the provisions of this ordinance
2 shall become and be made part of the Unified Land Development Code of Alachua County,
3 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such
4 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
5 designation. The correction of typographical errors that do not affect the intent of the ordinance
6 may be authorized by the County Manager or designee, without public hearing, by filing a
7 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

8 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
9 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
10 affect public health, safety, or welfare.

11 Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is
12 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
13 portion shall be deemed a separate, distinct and independent provision, and such holding shall
14 not affect the validity of the remaining portions thereof.

15 Section 8. Effective Date. A certified copy of this ordinance shall be filed with the
16 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
17 after enactment by the Board of County Commissioners, and shall take effect upon filing with
18 the Department of State.

1 DULY ADOPTED in regular session, this 11th day of January, A.D., 2022.

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4
5 BOARD OF COUNTY COMMISSIONERS OF
6 ALACHUA COUNTY, FLORIDA
7

8 By: _____
9 Marihelen Wheeler, Chair

10 ATTEST:

11 _____ APPROVED AS TO FORM

12 J.K. Irby, Clerk Esq.
13

14
15 (SEAL)

Alachua County Attorney

16
17 DEPARTMENT APPROVAL

18 AS TO CORRECTNESS
19

20 _____
21 Department of Growth Management

22 Authorized Designee
23
24
25
26

Exhibit A

SEC. 404.24. - ACCESSORY DWELLING UNITS.

In the A, RE, RE-1, R-1aa, R-1a, R-1b, and R-1c districts, located within the rural/agriculture, estate residential, low density, or medium density residential land use designations a single accessory dwelling unit is allowed as an accessory use to a principal structure, without being included in gross residential density calculations, subject to the following standards.

- (a) *Location.* An accessory dwelling unit may be attached or detached from the principal building.
- (b) *Style.* ~~An accessory dwelling unit shall be designed in a similar architectural style as the principal building, except for lots located in the A or R-1c district where either the primary or accessory dwelling unit is a manufactured or mobile home.~~ The type of dwelling unit may be any such unit allowed in the zoning district.
- (c) *Parking and access.*
 - (1) Off-street parking for the accessory dwelling, if provided, shall be located on the lot on which the principal building is located.
 - (2) An accessory dwelling unit and any off-street parking spaces shall be served by the same driveway as the principal building.
- (d) *Standards.* Each accessory dwelling unit shall comply with all standards applicable within the zoning district, including required setbacks and building height limits.
- (e) *Owner occupancy required.* Property owner residency in either the primary or accessory dwelling unit shall be a requirement for permitting of accessory dwelling units.
 - (1) *Existing residential areas.* Prior to the issuance of a building permit for the construction of an accessory dwelling unit in an existing residential area, the applicant shall provide proof of homestead exemption status establishing ownership and principal residence of the lot unless building permits for both units are being applied for together, in which case an affidavit must be submitted stating the property owner intends to reside on the lot.
 - (2) *New developments.* Prior to the issuance of a building permit for the construction of an accessory dwelling unit(s) in a new development, the applicant shall provide proof of deed restrictions or covenants requiring that an accessory unit may not be inhabited unless homestead status is maintained on the lot.
- (f) *Building size.* The living area of the unit shall be a maximum of ~~50 percent of the principal residence or 1,000~~ 1,700 square feet, ~~whichever is greater.~~
- (g) *Water and wastewater services.* Unless located in the A (agriculture) district in the rural agriculture land use designation, an accessory dwelling unit is required to connect to the central water and sewer system of the principal residence where

Exhibit A

available and shall not have separate services. Where central water and sewer service is not available, the accessory dwelling unit shall be required to connect to the septic system and well of the primary residence in accordance with all applicable requirements of the Florida Department of Health and shall meet the residential lot requirements for well and septic, outlined in Section 407.110.

- (h) *Subdivision.* An accessory unit may not be sold separately unless properly subdivided in accordance with Chapter 407, Article VIII, Subdivision Regulations.
- (i) *Minimum lot size in the rural/agriculture land use category.*
 - (1) The minimum lot size on which an accessory dwelling unit may be allowed on properties with a rural/agriculture future land use designation shall be five acres, except as provided in item (2) below. In no case shall a lot have less than one acre of buildable area outside the limits of any regulated conservation areas.
 - (2) An accessory dwelling unit may be permitted on lots as small as one acre, provided the total estimated daily flow for the primary and secondary unit combined does not exceed 700 gallons per day as determined by the Florida Department of Health.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 06-14, § 2(Exh. A), 7-20-06; Ord. No. 12-09, § 2(Exh. A), 10-9-12; Ord. No. 13-14, § 2(Exh. A), 8-27-13; Ord. No. 2016-10, § 2(Exh. A), 6-28-16)

SEC. 403.22. - MANUFACTURED/MOBILE HOME PARK (RM) DISTRICT.

(a) *Purpose.*

- (1) The manufactured/mobile home park (RM) zoning district implements the residential policies of the medium and medium-high residential designations of the Future Land Use Map. Permitted uses are found on the Use Table in Article II of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of Section 404.08 for similar uses is prohibited.
- (2) The RM zoning district is established for the purpose of providing a district for the location and installation of manufactured ~~and~~ mobile homes and recreational vehicles in approved parks, occupied as single family dwellings, with the intent of creating an environment of a residential character, designed to enhance living conditions and permitting only those uses, activities and services which are compatible with the residential environment.

(b) *Manufactured/mobile home park development requirements.* In addition to the requirements of the Comprehensive Plan and this ULDC, a manufactured/mobile home park shall comply with each of the requirements listed below.

- (1) RM district standards. Within the RM zoning district, the principal dwellings shall be in compliance with the standards established in Table 403.21.1.

Table 403.22.1 STANDARDS FOR THE RM ZONING DISTRICT	
STANDARDS	RM
<i>RM District Standards:</i>	
Area, min. (acres)	5 <u>2</u>
Density, max. (units/gross acre)	8
Area of space, min. (sq. ft)	3,000 <u>1,200</u>
Width at front building line, min. (ft)	40
<i>Individual Home Space Setbacks:</i>	
Front, min. (ft)	8
Rear, min. (ft)	5
Side, min. (ft)	5

- (2) *Manufactured/mobile home space.*
- a. Each manufactured or mobile home space shall be clearly defined and shall abut on a street or on a driveway with unobstructed access to a street.
 - b. Each manufactured or mobile home space shall contain a maximum of one dwelling and accessory structures.
- (3) *Street lighting.* All streets or driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2 footcandle.
- (4) *Water and sewer service.* Central potable water and sanitary sewer service shall be provided to each dwelling within a manufactured/mobile home park.
- (5) *Garbage receptacles.* Approved garbage cans with tight fitting covers shall be provided in quantities adequate to permit disposal no farther than 300 feet from any manufactured/mobile home space. The cans shall be kept in good repair at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans will not overflow. The use of a central garbage collection system shall be permitted as an alternative.
- (6) *Fire protection.* Every park shall have adequate fire-fighting facilities approved by the County Engineer and shall meet the following requirements:
- a. Central water supply;
 - b. Six-inch water main;
 - c. Water pressure at 20 psi;
 - d. Fire flow of 500 gpm in addition to normal domestic supply only on hydrant supply lines; and
 - e. No manufactured/mobile home shall be located further than 350 feet from a fire hydrant.
- (7) *Required recreational area.* A minimum of five percent of the development shall be designated for developed recreational space, such as community fields, greens, or outdoor sports facilities. Such space shall be designed for use by residents of the development.
- (8) *Unit type.* Dwelling unit types shall include mobile homes, manufactured homes and recreational vehicles.

SEC. 405.07. - DESIGN STANDARDS FOR DEVELOPMENTS OTHER THAN TND'S OR TOD'S
IN ACTIVITY CENTERS.

(c) *Blocks and streets.* All blocks and streets shall meet the requirements of Article XIII, Access Management and Street Network Standards, of Chapter 407, the Alachua County Corridor Design Guidelines, and the following regulations:

- (1) The street and roadway network within an activity center shall be designed to conform to existing natural features and shall provide for logical and orderly mobility throughout the activity center.
- (2) Provisions shall be made for the reservation or dedication of all rights-of-way needed for the improvement of existing streets or the construction of new streets within or surrounding the activity center.
- (3) New development and redevelopment within activity centers shall allow for new streets that connect existing public roadways, or that are designed to facilitate future roadway connections.
- (4) New development and redevelopment shall provide multimodal cross access to adjacent existing or future development. Cross access facilities shall be covered with appropriate cross access easement.
- (5) The arrangement, character, and location of all blocks and streets shall be designed to create a cohesive internal street network that connects individual parcels within the activity center.
- (6) The layout and types of streets, sidewalks, shared-use paths, and bicycle lanes on individual sites shall provide for the continuation or appropriate projection into adjacent areas unless topography, traffic volume, or other conditions make continuance impractical.
- (7) Private streets and roadways within an activity center shall remain privately owned and maintained and shall not be accepted by the County for maintenance unless the streets are designed and inspected to all applicable public road standards. Public access easements shall be provided on all streets, roadways and alleys, and pedestrian pathways. Alleys shall be constructed to a structural standard and geometric configuration that will accommodate service delivery vehicles.

~~(7)~~(8) In order to provide for pedestrian oriented design along existing corridors, streets that are proposed parallel to existing roadways, without intervening buildings, shall be restricted to a cross section width of 48' from curb face to curb face. In no such case shall angled parking be provided on both sides of a new two-way street.

(d) *Roadway network design*

- (1) In order to provide for pedestrian oriented design along existing corridors, streets that are proposed parallel to existing roadways, without intervening buildings, shall be restricted to a cross section width of 48' from curb face to curb face. In no such case shall angled parking be provided on both sides of the a new two-way street. ~~the right of way line of any existing roadway shall form the side of a block. No new street shall be constructed parallel to an existing roadway without an intervening block consistent with 407.68(c)(1).a.~~
- (2) Notwithstanding the requirements in section 407.68(d)(1), Developments with a valid Preliminary Development Plan or Planned Development that identifies street and block locations and was approved prior to November 10, 2020 may provide street and block locations consistent with the approved Preliminary Development Plan or Planned Development.