

ORDINANCE 0-23-02

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE 4, SECTION 4.4.3 (A)(1) RELATING TO THE USE OF A RECREATIONAL VEHICLE (RV) OR TRAVEL TRAILER AS A TEMPORARY RESIDENCE; AMENDING ARTICLE 4, TABLE 4.5-1, TABLE OF ALLOWED TEMPORARY USES AND STRUCTURES, AND CREATING SECTION 4.5.6(G) TO ALLOW AN RV OR TRAVEL TRAILER AS A TEMPORARY RESIDENCE ON A PROPERTY WITH A RESIDENTIAL USE; AMENDING ARTICLE 6, TABLE 6.1-1, MINIMUM OFF-STREET PARKING STANDARDS, TO INCLUDE DESIGNATED OUTDOOR SEATING AREAS IN THE CALCULATION OF MINIMUM OFF-STREET PARKING REQUIRED FOR RESTAURANTS WITH OUTDOOR SEATING; AND AMENDING ARTICLE 6, TABLE 6.1-1, MINIMUM OFF-STREET PARKING STANDARDS, TO ESTABLISH MINIMUM PARKING STANDARDS FOR MICROBREWERIES; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, a Text Amendment "Amendment" to the City's Land Development Regulations ("LDRs"), as described below, has been proposed; and,

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency ("LPA"), on February 2, 2023; and

WHEREAS, the LPA conducted a public hearing on the proposed Amendment on February 14, 2023, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on June 1, 2023 and on June 15, 2023; and

WHEREAS, the City Commission conducted public hearings on the proposed Amendment on June 12, 2023 and June 26, 2023, and provided for public participation at both public hearings; and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this Ordinance 0-23-02 (herein “Ordinance”).

Section 2. Findings of Fact and Conclusions of Law

The authority for the enactment of this Ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City’s Comprehensive Plan.

Section 3. Amendment to the Land Development Regulations

The proposed Amendment to the City Land Development Regulations are attached as Exhibit “A” and are hereby incorporated herein by reference.

Section 4. Codification of and Correction of Scrivener’s Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this Ordinance. A corrected copy shall be posted in the public record.

Section 5. Ordinance to be Construed Liberally

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 6. Repealing Clause

All ordinances or parts of ordinances in conflict this Ordinance are, to the extent of the conflict, hereby repealed.

Section 7. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this Ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 9. Effective Date

This Ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

Passed on First Reading the 12th day of June 2023.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 26th day of June 2023.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Mike DaRoza, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

AMENDING ARTICLE 4, SECTION 4.4.3 RELATING TO THE USE OF A RECREATIONAL VEHICLE (RV) OR TRAILER AS A TEMPORARY RESIDENCE

4.4.3 Accessory uses prohibited.

- (A) *Prohibited in all zone districts.* The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zone districts:
- (1) *Use of travel trailer, recreational vehicle or tent as residence.* The use of a travel trailer, recreational vehicle or tent as a residence, permanent or temporary, is prohibited, with the following exceptions:
 - (a) the use of a trailer approved as a temporary use for security pursuant to Section 4.5, Temporary uses and structures-;
 - (b) However, the use of a one (1) a-recreational vehicle (RV) or travel trailer with a self-contained wastewater disposal system may be used as a temporary residence in the Agricultural (A) zoning district incidental to construction on or development of a property for a residential dwelling on the property which the RV or travel trailer, which has access to temporary power, is located and only during the time in which construction or development is underway. Construction or development shall be considered to be actively underway when an active building permit has been issued for a residential dwelling on the property. In no case shall an RV or travel trailer be used as a temporary residence incidental to construction on or development of property for a residential dwelling for more than twelve (12) months, provided however two (2) extensions not to exceed six (6) months each for a total of 24 months may be granted by the LDR Administrator upon a showing of good cause; or,
 - (c) the use of one (1) RV or travel trailer which has a self-contained wastewater disposal system may be used as a temporary residence on a property with a residential use by a non-commercial (non-paying) guest of the resident of the property for up to two weeks fourteen (14) days in any six (6) month period, subject to the issuance of a Temporary Use Permit, provided the vehicle is-The RV or travel trailer shall only be located in the driveway or a side or rear yard of the property. Utilization of an RV or travel trailer as a temporary residence is not considered as storage.

AMENDING ARTICLE 4, TABLE 4.5-1, TABLE OF ALLOWED TEMPORARY USES AND STRUCTURES, AND CREATING SECTION 4.5.6(G) TO ALLOW AN RV OR TRAVEL TRAILER AS A TEMPORARY RESIDENCE ON A PROPERTY WITH A RESIDENTIAL USE

4.5.2 *Table of allowed temporary uses and structures.* Table 4.5-1, Table of Allowed Temporary Uses and Structures, summarizes the temporary uses and structures that are allowed within the City and any general or specific standards that apply. Temporary uses or structures not listed in the following Table 4.5-1 are not allowed by these LDRs:

Table 4.5-1. Table of Allowed Temporary Uses and Structures		
Temporary Use or Structure	Allowable Timeframe	Specific Regulations

Temporary structures		
Expansion or replacement of existing facilities (including temporary offices for construction and/or security personnel)	(A)	Permit required; see Section 4.5.6(A)
Real estate sales office/model sales home	(A)	Permit required; see Section 4.5.6(B)
Construction-related activities for new construction	(A)	No permit required; see Section 4.5.6(C)
<u>Recreational vehicle or travel trailer as a temporary residence</u>	<u>(D)</u>	<u>Permit required; see Section 4.5.6(G)</u>
Temporary sales		
Sale/display of goods other than agricultural products	(B)	Permit required; see Section 4.5.6(D)
Seasonal sales	(B)	No permit required; see Section 4.5.6(E)
Sidewalk and parking lot sales	(A)	No permit required; see Section 4.5.6(F)
Garage and/or yard sales	(C)	No permit required
Temporary not-for-profit carwash	(C)	No permit required
(A) Such structures may be in place for no more than one to three years.		
(B) Such sales are limited to a maximum of 90 days per calendar year with no more than three occurrences per parcel per year.		
(C) Such events are limited to 14 total days per calendar year, per parcel.		
<u>(D) Recreational vehicles or travel trailers may be used as a temporary residence for up to a total of fourteen (14) days in any six (6) month period.</u>		

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

(G) Recreational vehicle or travel trailer as a temporary residence

- (1) General standards. One (1) recreational vehicle (RV) or travel trailer with a self-contained wastewater disposal system may be used as a temporary residence on any property which has a residential use by a non-commercial (non-paying) guest of the resident of the property, provided the vehicle is located in the driveway or a side or rear yard of the property.

(2) Duration. An RV or travel trailer may be used as a temporary resident pursuant to this section for up to a total of fourteen (14) days in any six (6) month period.

AMENDING ARTICLE 6, TABLE 6.1-1, MINIMUM OFF-STREET PARKING STANDARDS, TO INCLUDE DESIGNATED OUTDOOR SEATING AREAS IN THE CALCULATION OF MINIMUM OFF-STREET PARKING FOR RESTAURANTS WITH OUTDOOR SEATING AND TO ESTABLISH A MINIMUM PARKING STANDARD FOR MICROBREWERIES

Table 6.1-1. Minimum Off-Street Parking Standards		
BUSINESS USES		
Eating establishments	Ice cream shop	1 space per 150 sq. ft. floor area/ <u>designated outdoor seating area</u>
	Restaurant, indoor seating only	1 space per 100 sq. ft. floor area
	Restaurant, with outdoor seating	1 space per 100 sq. ft. floor area/ <u>designated outdoor seating area</u>
	Restaurant, with drive-through or drive-in service	1 space per 150 sq. ft. floor area/ <u>designated outdoor seating area</u>
	Specialty eating establishment	1 space per 150 sq. ft. floor area/ <u>designated outdoor seating area</u>
Retail Sales & Services	<u>Microbrewery</u>	<u>1 space per 200 sq. ft. floor area for eating/drinking areas and 1 space per 1,000 square feet of manufacturing and processing operations</u>