



Unified Land Development Code Adoption Hearing

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Growth Management Department

Unified Land Development Code Changes

Staff Initiated

- Rural Cluster Accessory Dwelling Units (ADU's)
- Rural Commercial-Agriculture Use Standards

Florida Statute Compliance

- Electric Vehicle Charging Preemption
- Expedited Building Permits/Preliminary Plat Process
- Live Local Act

What changed since the August 13th hearing

Live Local Act- Bonus density ULDC language

Live Local Act +

Density Bonus

Development subject to this Chapter are permitted to develop consistent with either of the following:

1. Up to 48 dwelling units per acre subject to the following:
 - a) They are located within an Activity Center and not in Industrial zoning districts; and
 - b) at least 40% of the number of units up to 24 dwelling units per acre are maintained as affordable and for rent at or below 120% of the area median income for a period not less than 30 years; and
 - c) at least 30% of the number of units exceeding 24 dwelling units per acre are maintained as affordable at or below 80% of the area median income for a period not less than 30 years;

2. Up to 72 dwelling units per acre subject to the following:
 - a) They are located within an Activity Center and not in Industrial zoning districts; and
 - b) at least 40% of the number of units up to 24 dwelling units per acre are maintained as affordable and for rent at or below 120% of the area median income for a period not less than 30 years; and
 - c) at least 30% of the number of units exceeding 24 dwelling units per acre are maintained as affordable at or below 50% of the area median income for a period not less than 30 years;

Density Calculation Example

Hypothetical 2 ½ acre site

	24 units per acre	48 units per acre	72 units per acre
Total Units	60	120	180
Units at 120% AMI	24	24	24
Units at 80% AMI	-	18	-
Units at 50% AMI	-	-	36
Affordable Units =	24 (40%)	42 (35%)	60 (33.3%)

Staff Recommendation

BoCC convene as the Land Development Regulation Commission and find the amendments consistent with the Alachua County Comprehensive Plan.

Reconvene as the BoCC and approve the ordinance and authorize the Chair's signature.

BoCC delegate authority for the signing of the LURA for all Live Local Act applications to the County Manager.



Full Presentation Follows

Rural Cluster ADU's

Background

January 9, 2024 The BoCC approved Comprehensive Plan Policy 6.4.2.1 in the Future Land Use Element (FLUE) that allowed ADU's in Rural Clusters on lots greater than one acre.

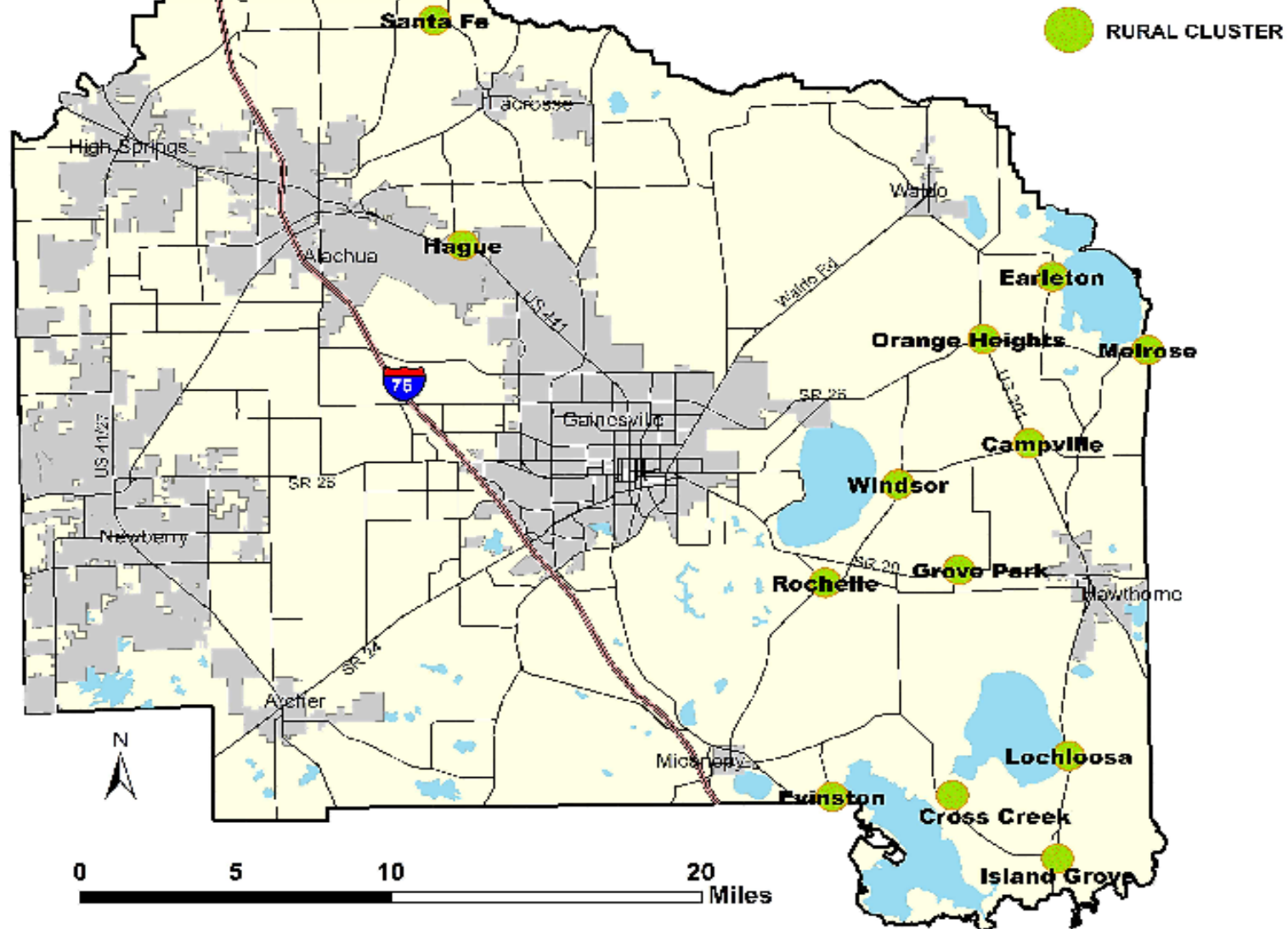
July 9, 2024 The request to advertise was approved by the BoCC to update the ULDC to reflect the FLUE Policy 6.4.2.1

August 13, 2024 First of two public hearings on proposed amendments to the ULDC.

September 10, 2024 Adoption hearing.

Alachua County Rural Clusters

As designated in Alachua County Comprehensive Plan



Considerations

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, rural cluster, 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.

Rural Commercial-Agriculture

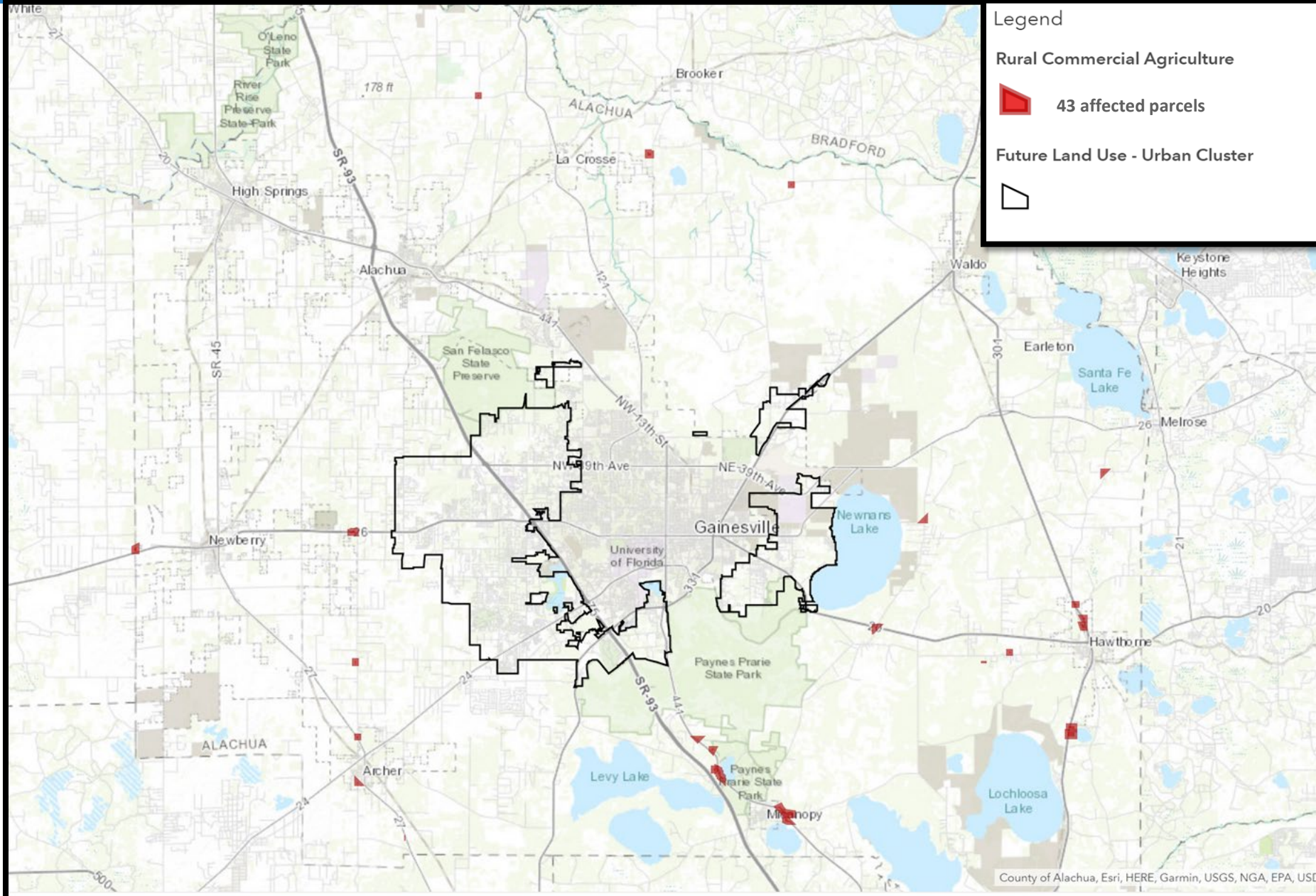
Background

August 24, 2021 The BoCC approved CPA-03-21 a County initiated amendment to the Comprehensive Plan Policy 3.11.1 of the Future Land Use (FLU) Element relating to Rural Commercial-Agriculture Land Use Designations.

July 9, 2024 The request to advertise was approved by the BoCC to update the ULDC to reflect the FLU Policy 3.11.1.

August 13, 2024 First of two public hearings on proposed amendments to the ULDC.

September 10, 2024 Adoption hearing.



Considerations

Article XII Rural Commercial- Agriculture Sec. 405.47 – 405.52

- Land use permitted is single family residential or agricultural uses.
- Otherwise, Special Exception allowed for:
 - Local grocery stores, small markets and produce stands, rural medical and veterinary clinics, sales and service of farm equipment and supplies, farmer's markets, agricultural products distribution, and agricultural services.
- Limited to 3,000 square feet of leasable area.
- Parking required 5 spots per 1,000 square feet.

Electric Vehicle Charging

Background

May 1, 2024 Florida Statute §366.94 preempts the County from regulating electric vehicle charging stations.

§366.94(2) The regulation of electric vehicle charging stations is preempted to the state.

(a) A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

July 9, 2024 The request to advertise was approved by the BoCC to update the ULDC to remove two sections to comply with State law.

August 13, 2024 First of two public hearings on proposed amendments to the ULDC.

September 10, 2024 Adoption hearing.

Considerations

Remove references to Vehicular Electric Charging stations:

Sec. 407.68. Transit supportive area design standards.

~~(f) Charging stations. A minimum provision of one (1) Level 2 Vehicle Charging Station (240v) per every ten (10) multi-family units shall be provided in new TND and TOD development with a multi-family component.~~

Sec. 403.10. Multi-family residential requirements.

~~(g) A minimum provision of one (1) Level 2 Vehicle Charging Station (240v) per every ten (10) units shall be provided in new multi-family development.~~

Expedited Approval of Residential Building Permits

Background

May 29, 2024 Expands Florida Statute §177.073 relating to Platting and Subdivisions.

- Allow issuance of residential subdivisions or planned community's building permits before a final plat is recorded.
- A two-step process to be established by October 1, 2024.

July 9, 2024 The request to advertise was approved by the BoCC to update the ULDC to comply with State law.

August 13, 2024 First of two public hearings on proposed amendments to the ULDC.

September 10, 2024 Adoption hearing.

Considerations

- 30-days prior to submitting the building permits applicant must request and identify their interest in the expedited building permits process.
- Two Step Plat Approval Process:
 - *Preliminary Plat* to be approved by the Development Review Committee and recommend final approval to the BoCC.
 - *Final Plat* ministerially approved by the BoCC and then submitted to the Clerk of Courts for recording.
- Requires a 130% performance bond.
- Hold harmless agreement with the County.
- County may utilize a 3rd party to review the building permits.
- Adds definition for “Preliminary plat”.

Live Local Act

Background

July 2023- The proposed Unified Land Development Code (ULDC) update implements subsection in Florida Statute §125.01055(7) the “Live Local Act” (LLA) and the law’s revision in May 2024. Effective until October 2033.

May 15, 2024- AHAC Presentation of proposed LLA code updates for input.

July 9, 2024- The request to advertise was approved by the BoCC to update the ULDC to comply with State law.

August 13, 2024- First of two public hearings on proposed amendments to the ULDC.

September 10, 2024- Adoption hearing.

Affordability

Statute requires all local governments must allow multifamily or mixed-use development in Commercial, Industrial and Mixed-Use zoning districts.

However, those developments must maintain at least 40% of the residential units as rental units affordable at or below 120% AMI for 30 years.



Preemptions

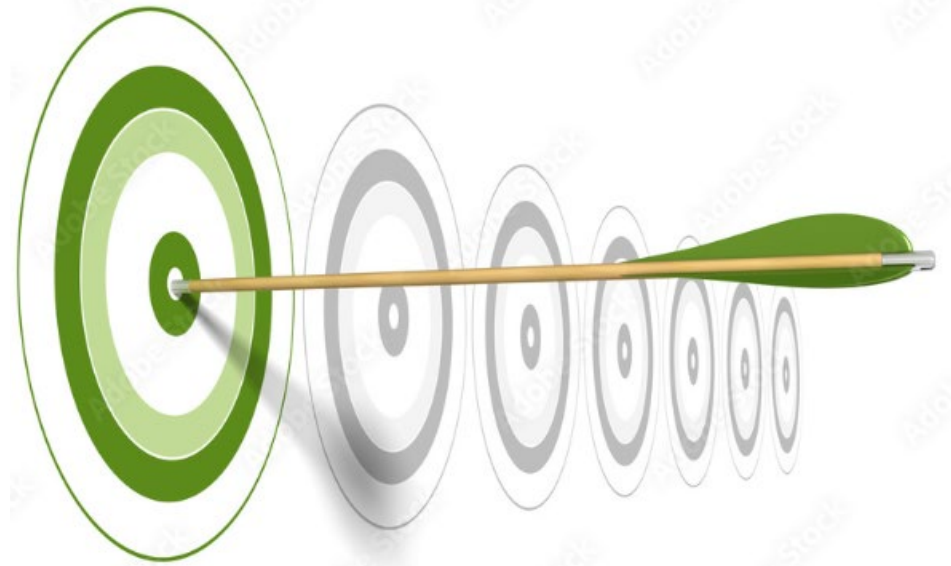
Statutory Standards:

- Density**: Highest allowed in Unincorporated Alachua County without bonus.
- Height**: Max. Building height within 1 mile of allowed land use.
- Administrative Development Review Process**: No public hearing.
- Floor Area Ratio (F.A.R.)**: *125.01055(7)(a)(c) states that “A county may not restrict the floor area ratio of a proposed development...”* which our code does not limit.

Where these developments could go.

Zoning Districts

- AP: Administrative/Professional
- BP: Business and Professional
- BR: Business, Retail
- BR-1: Business, Tourist and Entertainment
- BH: Business Highway
- BA & BA-1: Business, Automotive
- BW: Wholesale/Warehousing
- MB: Business Marine District
- ML: Light Industrial
- MS & MP: Industrial Services and Manufacturing
- RP: Residential Professional District
- Eastside Activity Center Overlay with Mixed-Use Zoning Districts
- Planned Developments with Mixed-Use



Density Maximum

Per the highest density of **24 dwelling units per acre** in the residential high future land use category without additional bonus.

Staff evaluated the LLA F.S. 125.01055 (7)(b) “...*highest currently allowed density*” **does not include**...any building that has received any bonus, variance, or other special exception for density provided in the county’s land development regulations as an incentive for development.”

The highest possible density permitted in the Unincorporated Alachua County is 48 du/acre if the applicant chooses to develop as a Transit Oriented Development (TOD) per ULDC Sec. 407.65. Staff opinion is that the specific development requirements that allow for a TOD density boost is an incentivize for trade off for complying with mixed-use development standards.

Live Local Act +

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Administrative Development Review

The application must be administratively approved *without a public hearing* if:

1. Application meets the allowable land use, density and height requirements,

&

2. The development application is otherwise consistent with Alachua County's Comprehensive Plan and ULDC regulations for multiple-family development.

- Development regulations that apply generally include stormwater management, natural resource and tree protections, open space, setbacks and buffers, parking, access management, etc.

Maintaining Affordability

Land Use Restriction Agreement (LURA)

- Tool to ensure long-term affordability.
- Establishes monitoring and penalties.
- LURA must be signed and recorded prior to Construction Permit.
- The BoCC would need to delegate their authority to the County Manager as signatory for the LURA.



Outreach

- Online public notice for all amendments.
- Additional outreach for the Live Local Act Implementation:
 - Affordable Housing Advisory Committee (AHAC)
 - Presentation on May 15, 2024. Motion to support 65-foot height and consider bonus density, but not in industrial.
 - Emailed: Habitat for Humanity, Gainesville Neighborhood Housing Development Corp., and the Builders Association of North Florida.

Staff Recommendation

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