

Alachua County

Office of Planning and Development Staff Report

Application Number: CPA-05-10 Staff Contact: Jerry Brewington, Sr. Planner
352-374-5249

Local Planning Agency
Board of County Commissioners

Hearing Date: June 16, 2010
Hearing Date: July 13, 2010

SUBJECT: A request for a text amendment to the Alachua County Comprehensive Plan: 2020 to allow density limits to be exceeded for hardship variances.

APPLICANT/AGENT: Alachua County

STAFF RECOMMENDATION: Approval with bases in report.

PC RECOMMENDATION: Approval with bases in report (5-0).

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Analysis of Request

Background

Alachua County provides for temporary hardship variances within its Unified Land Development Code (ULDC). These hardship variances allow for the temporary placement of additional living units (usually a manufactured home but also including construction of an additional dwelling unit onto an existing residence) on a residentially zoned parcel for the purpose of providing accommodation for a care giver or to house individual(s) who may need the support of a family member. However, the addition of a temporary living unit may cause density provisions in the Plan to be exceeded. The proposed text language will provide for these density limits to be exceeded on a parcel for the length of the hardship.

Proposed Language

The following is the proposed amended language to be found in the Future Land Use Element.

Policy 6.2.10 Density and Intensity

*The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except as a result **of the provisions for the family homestead exception found in Policy 6.2.14.3, of a hardship variance or other temporary permit issued by the Growth Management Department or as a result** of incentive bonuses for clustering as provided under item 4 below, subject to the resource protection standards in the Conservation and Open Space Element These standards include the following requirements:*

Policy 7.1.16

- c. *Gross density shall be consistent with this Plan, however, provision should be included within the land development regulations for awarding density credit based on provision for inclusionary housing, consistency with green building standards, or where provided in other Elements and Sections of the Comprehensive Plan. **In the case of family homestead exceptions or hardship variances, gross density limits established in the Plan may be exceeded provided the other provisions of the implementing zoning district are followed.***

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Comprehensive Plan Consistency

An accessory living unit is defined in the Unified Land Development Code as *an additional dwelling unit, including separate bathroom, sleeping and kitchen facilities, attached or detached from the primary residential unit on a single family lot. Accessory living units are subordinate in size and location to the primary unit.* A hardship variance allows for the placement of an accessory living unit on a single family lot on a temporary basis for the length of the hardship. The Comprehensive Plan allows for accessory dwelling units in the Estate, Low and Medium density residential land use categories without counting against density calculations. Staff therefore finds the amended language regarding density limits to be consistent with the Alachua County Comprehensive Plan as a whole and specifically with the policies outlined here.

Policy 1.3.7.2 of the Future Land Use Element states that *the Low Density residential land use category shall provide for various housing types, such as conventional site-built single family homes, accessory living units, attached structures including townhouses, multi-family developments in planned developments, dwellings with zero lot line orientation, factory-built modular units, manufactured homes, or mobile homes.* The majority of hardship variances involve the temporary placement of a manufactured home on an existing homesite. Provided that the zoning district allows such units (e.g. R-1c), the provision for placement of these units is consistent with Policy 1.3.7.2, which encourages a variety of housing types throughout the Urban Cluster. The low density residential land use allows up to four dwelling units per acre. The provision for this density limit to be exceeded on a temporary basis will not introduce incompatible housing types in this land use designation. Accessory dwelling units are permitted within this land use designation. The provision for a temporary accessory dwelling unit (either through placement of a manufactured home or by construction of an addition to an existing dwelling unit) by hardship variance is therefore consistent with the Plan.

Policy 6.2 of the Future Land Use Element states that *areas identified for Rural/Agriculture on the Future Land Use Map are for **rural residential uses**, home-based businesses, resource-based recreation, outdoor recreation and agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, and agricultural products distribution.* The provision for temporary residential units as part of a hardship variance is consistent with Policy 6.2 of the Future Land Use Element. The agricultural land use designation allows one dwelling unit per five acres and also for accessory dwelling units within existing density limits. However,

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density limits in the Rural/Agriculture land use designation may exceeded under the provisions of the family homestead exception (FLUE Policy 6.2.14.3(a). The provision for density limits to be exceeded under the hardship variance are similar to those found for the homestead exception, albeit on a temporary basis. Therefore, this provision does not introduce incompatible housing types or uses in the rural/ag land use. It is therefore consistent with the Policies, Goal and Objectives of the Plan as well as the Plan as a whole.

Staff Recommendation

Staff recommends **approval** of CPA-05-10 with the following bases.

Bases

1. Policy 1.3.7.2 of the Future Land Use Element states that *the Low Density residential land use category shall provide for various housing types, such as conventional site-built single family homes, accessory living units, attached structures including townhouses, multi-family developments in planned developments, dwellings with zero lot line orientation, factory-built modular units, manufactured homes, or mobile homes.* The majority of hardship variances involve the temporary placement of a manufactured home on an existing homesite. Provided that the zoning district allows such units (e.g. R-1c), the provision for placement of these units is consistent with Policy 1.3.7.2, which encourages a variety of housing types throughout the Urban Cluster. The low density residential land use allows up to four dwelling units per acre. The provision for this density limit to be exceeded on a temporary basis will not introduce incompatible housing types in this land use designation. Accessory dwelling units are permitted within this land use designation. The provision for a temporary accessory dwelling unit (either through placement of a manufactured home or by construction of an addition to an existing dwelling unit) by hardship variance is therefore consistent with the Plan.

2. Policy 6.2 of the Future Land Use Element states that *areas identified for Rural/Agriculture on the Future Land Use Map are for **rural residential uses**, home-based businesses, resource-based recreation, outdoor recreation and agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, and agricultural products distribution.* The provision for temporary residential units as part of a hardship variance is consistent with Policy 6.2 of the Future Land Use Element. The agricultural land use designation allows one dwelling unit per five acres and also for accessory dwelling units within existing density limits. However, density limits in the Rural/Agriculture land use designation may exceeded under the provisions of the family homestead exception (FLUE Policy 6.2.14.3(a). The provision

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for density limits to be exceeded under the hardship variance are similar to those found for the homestead exception, albeit on a temporary basis. Therefore, this provision does not introduce incompatible housing types or uses in the rural/ag land use. It is therefore consistent with the Policies, Goal and Objectives of the Plan as well as the Plan as a whole.

Exhibit 2 - Staff and Agency Comments

Department of Environmental Protection: No comments

Department of Public Works: No comments

Public Safety: No comments

Transportation/Concurrency: No comments