

RLUIPA  
Religious Land Use  
Institutionalized Persons Act

City Commission Meeting  
February 4, 2008

- Letter to the Department of Justice
- Community Development Committee
  - Allow use by City Manager Permit
  - Address Citizen Concerns
  - Return with a recommendation as soon as possible

Citizen Concerns

- Proposed Language
  - Minimum lot size and setbacks
  - Hours of Operation
    - Residences of destitute people
    - Food Distribution Center for the needy
  - Compatibility

Citizen Concerns

- 20 meal limit
- Quarter mile distance requirement(1320)
- 2000 feet buffer around UF Campus
- Indoor areas meeting all codes

Minimum Lot Size and Setbacks

- Current Code
  - Minimum lot: multiply 100 square feet by the number of persons defined as the legal capacity by the building code of the city for all assembly, meeting or congregation areas.
    - Example: 100 sq ft X 100 persons = 10 000 sq. ft.
    - Space allocation needed
      - 25 parking spaces – 4000 sq ft
      - Building – 2500 sq. ft
      - Setback 12 feet sides and rear 20 feet front – 5600 sq ft

Dimensional/setbacks

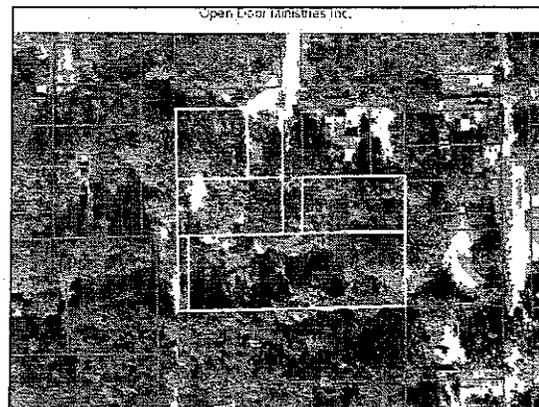
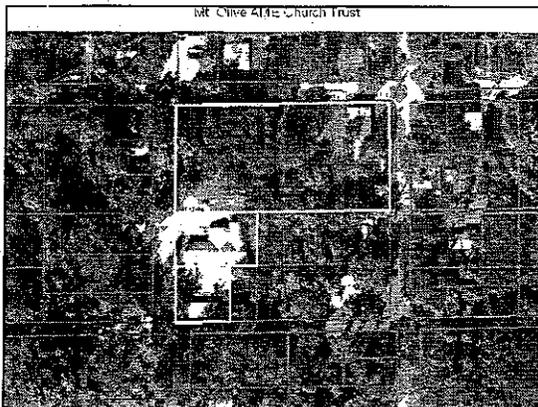
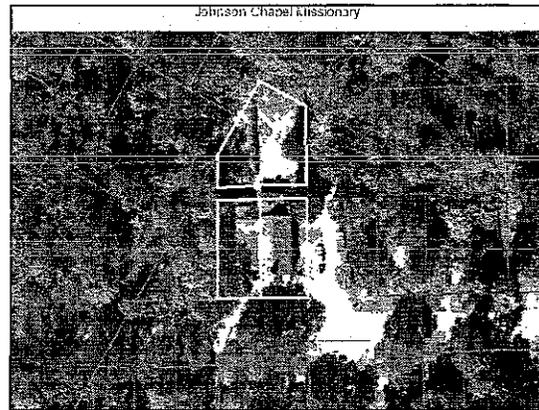
- Building Height – 35 feet
- Setbacks – 45 degree angle of light obstruction for rear and side yards (the height of the building)
- Front set back – 20 feet

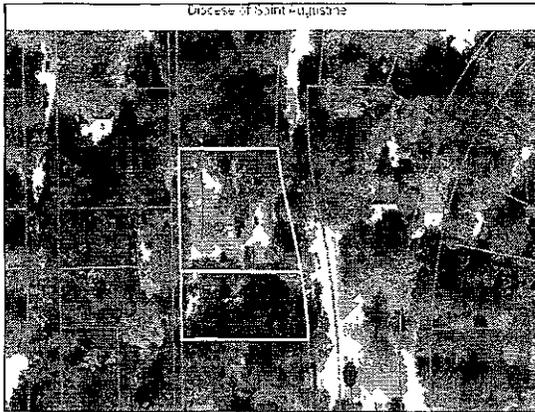
## Proposed Lot Size and Setbacks

- Minimum lot: Minimum lot area required for the specific zoning district plus one acre for every 100 persons (or fraction thereof) based on building capacity.
- Setbacks: Front – 25 feet; Side Interior - 50 feet or 45 degree angle whichever is greater; Side Street – 25 feet; Rear - 50 feet or 45 degree angle whichever is greater

## Impact of Existing Churches

- Total Churches in Single Family Districts:
  - 68
- Located on less than an acre:
  - 21
- Located on less than a half acre:
  - 14





### Status of Existing Churches

- Nonconforming Lot- means any lot which does not meet the requirements for minimum lot area, lot depth or lot width, for any use for the zoning district in which the lot is located
- Nonconforming use – means the use of any building or land other than a use specifically permitted in the zoning district

### Buildings on Nonconforming Lots

- Section 30 0346 (c) (3): The Board of Adjustment may authorize by special exception the issuance of a building permit for a building to be located on a nonconforming lot. (this has been interpreted to mean new buildings, expansions and renovations)

### Revised Staff Recommendation Lot Size and Setbacks

- Minimum lot size total building capacity less than 200: 20,000 square feet.
- Minimum lot size total building capacity 200 or more: 1acre
- These standards would also apply to schools located in Single Family Districts

### Recommendation Setbacks

- Front: 20 feet or 45 degree angle whichever is greater
- Side Interior: 20 feet or 45 degree angle whichever is greater.
- Side Street: 20 feet
- Rear: 20 feet or 45 degree angle whichever is greater

### Citizen Concern Existing Rules

- Residences for Destitute People
  - Existing:
    - City Manager Permit
    - 20 Beds
    - Meals to residents (no limit on residents)
    - Dangerous person provision
    - Management Plan: Hours of operations; personnel management of solid waste litter and lighting contact person
    - All State County and City Codes

### Citizen Concern Existing Rules con't

- Combined facilities –Special Use Permit
- Development Plan Approval

### Proposed Rules

- City Manager Permit
  - 20 Beds
  - Meals to residents (no limit on residents)
  - Dangerous person provision
  - Management Plan: **Hours of operations 5:00 pm -9:00 am**; personnel, management of solid waste litter and lighting contact person
  - All State, County and City Codes
  - Compatibility
  - Revocation clause

### Revised Staff Recommendation Residences for Destitute People

- Hours of Operation – No restriction on hours.
- Compatibility – No requirement with indoor facility.
- Only indoor facility allowed

### Food Distribution Centers for the Needy

- Special Event Feeding: Wedding and funeral receptions, communions, family reunions, special church programs that include the feeding of members and their guest, are not included in the definition of a food distribution center for the needy.
- Existing rules:
  - 20 meals/24 hour period (non-resident)

### Food Distribution Centers for the Needy

- Existing rules con't:
  - Distance requirement (1320 feet)
  - Indoor eating area meeting all codes
  - Management Plan
    - Hours of operation
    - Solid Waste/ Litter
    - Lighting
    - Name/Address/ Phone/Responsible Person
    - Signage

### Food Distribution Centers for the Needy

- Proposed:
  - 20 meals/24 hour period (non-resident)
  - Distance requirement (1320 feet)
  - Indoor eating area meeting all codes
  - Management Plan
    - Hours of operation (7:30 am – 8:30 pm)
    - Solid Waste/ Litter
    - Lighting
    - Name/Address/ Phone/Responsible Person
  - Outdoor lighting (meet code)
  - Compatibility and Revocation

### Revised Staff Recommendation Food Distribution

- All indoor activity – compatibility not required
- Outdoor activity- compatibility required
- Hours of operations – 7:00 am to 8:00 pm to be consistent with Alachua County

### Compatibility

- Compatibility addresses:
  - Noise
  - Lighting
  - Traffic
  - Location of onsite uses in relation to adjacent uses
  - Examples: Not compatible to place trash receptacles next to residential uses
  - Not compatibility to have glaring lights

### Other Citizen Concerns

- 20 meal limit (Alachua Co. 25 meal limit)
- Quarter mile distance requirement(1320)
  - Over saturation in one area policy issue.
- 2000 feet buffer around UF Campus
  - Policy issue
- Indoor areas meeting all code
  - Public Safety (Building and Fire Codes)

### Summary of Recommendations

- Minimum Lot Size and Setbacks
  - Minimum lot size total building capacity less than 200: 20 000 square feet.
  - Minimum lot size total building capacity 200 or more: 1 acre
  - These standards would also apply to schools located in Single Family Districts

### Setbacks

- Front: 20 feet or 45 degree angle whichever is greater.
- Side Interior: 20 feet or 45 degree angle whichever is greater.
- Side Street: 20 feet
- Rear: 20 feet or 45 degree angle whichever is greater.

### Residences for Destitute People

- Hours of Operation – No restriction on hours
- Compatibility – No requirement with indoor facility.
- Only indoor facility allowed.

### Food Distribution Center for the needy

- All indoor activity – compatibility not required
- Outdoor activity- compatibility required
- Hours of Operations: Alachua Co, 7:00 am – 8:00 pm, instead of City, 7:30 am – 8:30 pm.

### Other Concerns Recommendation

- Meal Limits: 25 meals consistent with Alachua County.
- Saturation: Policy Issue will need additional study
- UF Buffer Zone: Policy Issue, will need additional study
- Indoor Code Issues: Must meet building and fire code for public safety.

### Places of Religious Assembly in Single Family Districts

Parcel Id	Acreage	Owner Name	Owner Name	Address	Zip code	Land Use	Zoning
11108-012-001	0.04	OPEN DOOR MINISTRIES INC	CHURCH	0000	32641	SF	RSF1
10923-000-000	0.10	DAY SPRING MISSIONARY BAPTIST	CHURCH	1945 NE 8TH AVE	32641	SF	RSF4
15914-000-000	0.12	CHURCH OF THE LIVING GOD INC		0210 SE 13TH LN	32601	SF	RSF3
11791-000-000	0.12	CHURCH OF KINGDOM OF GOD	TEMPLE INC	0402 SE 14TH ST	32601	SF	RSF3
08749-000-000	0.14	VOICE OF FAITH DELIVERANCE	TEMPLE INC	0719 NW 31ST AVE	32609	SF	RSF3
11416-000-000	0.16	JOHNSON CHAPEL MISSIONARY	BAPTIST CHURCH INC	1328 NE 4TH AVE	32601	R-L	RSF4
15891-001-000	0.23	CHURCH OF THE LIVING GOD (THE)		0219 SE 13TH PL	32601	SF	RSF3
12102-000-000	0.23	MT OLIVE AWE CHURCH TRUST		0733 SE 8TH ST	32601	R-L	RSF4
10600-042-000	0.26	GROWING IN FAITH MINISTRIES	INC	1029 NE 9TH ST	32601	SF	RSF1
06441-002-000	0.27	DIOCESE OF SAINT AUGUSTINE	CORP	0114 SW 23RD DR	32607	SF	RSF2
10902-001-000	0.34	ANTIOCH HOLINESS CHURCH		2511 NE 8TH AVE	32641	SF	RSF1
08880-017-000	0.35	RIDGEVIEW BAPTIST CHURCH OF	GVILLE	1924 NW 85TH AVE	32605	SF	RSF3
06383-013-000	0.37	UNIVERSITY UNITED METHODIST	CHURCH TRUSTEES	5022 NW 16TH PL	32605	SF	RSF1
15788-000-000	0.46	JESUS CHURCH THE LIGHT OF THE	WORLD INC	1037 SE 10TH ST	32601	SF	RSF3
15775-000-000	0.46	OASIS OF LOVE MINISTRIES INC		0902 SE 10TH TER	32601	SF	RSF3
15100-000-000	0.47	FIRST UNITED METHODIST CHURCH		2156 NW 6RD PL	32603	SF	RSF1
12507-000-000	0.59	MT OLIVE PRIMITIVE BAPTIST	CHURCH	0510 NE 15TH ST	32601	R-L	RSF4
08573-006-000	0.68	AGAPE FAITH CENTER MINISTRIES	INC	0936 NW 31ST AVE	32609	SF	RSF3
15780-001-000	0.69	SOUTHEAST TENTH AVE CHURCH OF	CHRIST TRUSTEES	1034 SE 10TH AVE	32601	SF	RSF3
10573-001-000	0.73	GVILLE CHRISTIAN CENTER INC		1433 NE 16TH AVE	32601	SF	RSF2
16107-504-000	0.75	FIRST BAPTIST MISSIONARY	CHURCH OF LINCOLN ESTATES	1515 SE 15TH ST	32601	SF	RSF3
11109-002-000	0.77	OPEN DOOR BAPTIST CHURCH OF	GVILLE INC	0601 NE 19TH ST	32641	SF	RSF3
15969-001-000	0.87	ZION TEMP AWE ZION CHURCH		0111 SE 14TH LN	32601	SF	RSF3
06557-002-000	1.00	FIRST MORNING STAR BAPTIST	CHURCH	0115 NW 55TH ST	32607	SF	RSF1
06092-013-000	1.05	FIRST ASSEMBLY OF GOD OF	GAINESVILLE	3610 NW 29TH TER	32605	SF	RSF1
10920-001-000	1.31	SOUTHEASTERN CONFERENCE	ASSOCIATION OF SEVENTH-DAY	0740 NE 21ST ST	32641	SF	RSF2
08956-000-000	1.36	GRACE PRESBYTERIAN CHURCH		3121 NW 14TH ST	32605	SF	RSF3
06428-002-000	1.39	FIRST CHURCH OF CHRIST	OF GAINESVILLE INC	3010 NW 16TH AVE	32605	SF	RSF1
15088-002-000	1.39	LUBAVITCH-CHABAD JEWISH CENTER	GVILLE INC	2021 NW 5TH AVE	32603	SF	RSF2
06435-001-000	1.71	COVENANT BAPTIST CHURCH OF	JEHOVAH'S WITNESSES	3115 NW 16TH AVE	32605	SF	RSF1
06411-024-000	1.80	NORTHWOOD CONGREGATION OF		3780 NW 16TH BLVD	32605	SF	RSF2
10624-043-000	1.83	PASSAGE MINISTRIES INC		2020 NE 15TH ST	32609	SF	RSF2
08991-001-000	1.88	RIDGEVIEW BAPTIST CHURCH OF	GVILLE FLA INC	0000 NW 36TH AVE	32605	SF	RSF1
08880-006-000	1.95	RIDGEVIEW BAPTIST CHURCH OF	GVILLE INC	3508 NW 19TH ST	32605	SF	RSF3
07914-010-000	1.97	SPIRITUAL ASSEMBLY OF THE	BAHAIS OF GAINESVILLE INC	4451 NW 19TH ST	32605	SF	RSF1
06415-002-041	1.99	GAINESVILLE BAPTIST CHURCH		3570 NW 16TH BLVD	32605	SF	RSF1
06077-002-000	2.21	HARVEST CHRISTIAN CHURCH OF	GVILLE FL INC	4820 NW 34TH ST	32605	SF	RSF1
15364-000-000	2.23	UNITED CHURCH OF GVILLE INC		1624 NW 5TH AVE	32603	SF	RSF1
08998-001-000	2.27	THIRTY-NINTH AVENUE CHURCH OF	CHRIST	1811 NW 39TH AVE	32605	SF	RSF1
06079-000-000	2.45	SANTA FE RIVER BAPTIST	ASSOC INC	2630 NW 39TH AVE	32605	R-L	RSF4
06487-013-000	2.50	TEMPLE SHIR SHALOM OF GVILLE	INC	3855 NW 8TH AVE	32607	SF	RSF1
08241-001-000	2.53	GAINESVILLE CHURCH OF	CHRIST INC	1001 NE 28TH AVE	32601	SF	RSF2
06405-002-000	2.62	CHURCH OF GOD AT WEST GVILLE		3435 NW 15TH PL	32605	SF	RSF1

12762-000-000	3.02	MT MORIAH MISSIONARY BAPTIST	CHURCH OF GAINESVILLE INC	0718 SE 11TH ST	32601	R-L	RSF4
08993-000-000	3.04	NORTHEAST CHURCH OF CHRIST	CHURCH OF GAINESVILLE INC	2214 NW 31ST AVE	32605	SF	RSF1
15956-000-000	3.10	SPRING HILL MISSIONARY BAPTIST	CHURCH INC	0139 SE 14TH PL	32601	SF	RSF1
08230-003-001	3.39	HIGHLAND MISSIONARY BAPTIST	CHURCH	2600 NE 15TH ST	32609	SF	RSF2
06081-010-000	3.76	GETHEMANE LUTHERAN CH		4011 NW 34TH ST	32605	SF	PD
06460-124-001	3.99	FOURTEENTH ST CH OF CHRIST INC		2720 SW 2ND AVE	32607	SF	RSF1
06092-007-001	4.00	FIRST ASSEMBLY OF GOD OF	GVILLE TRUSTEES	2925 NW 99TH AVE	32605	SF	RSF1
06408-000-000	4.17	CHURCH OF JESUS CHRIST OF	LATTER DAY SAINTS	3745 NW 16TH BLVD	32605	SF	RSF1
09005-000-000	4.21	GAINESVILLE CHINESE CHRISTIAN	CHURCH INC	2850 NW 23RD BLVD	32605	SF	RSF1
08230-023-000	4.22	LD ENTERPRISES OF FL LLC	INC	1414 NE 23RD AVE	32609	SF	RSF2
06091-002-002	4.37	ST ANDREWS EPISCOPAL	MISSIONARY CHURCH INC	2400 NE 15TH ST	32609	SF	RSF2
10571-008-000	4.37	HIGHLANDS PRESBYTERIAN CHURCH		2715 NW 39TH AVE	0	SF	RSF1
10903-000-000	4.55	MOUNT CARMEL BAPTIST CHURCH	OF GAINESVILLE INC	1001 NE 16TH AVE	32601	SF	RSF2
06400-097-000	4.60	VINEYARD CHRISTIAN FELLOWSHIP	OF GAINESVILLE INC (THE)	2505 NE 8TH AVE	32641	SF	RSF1
08197-005-000	5.00	FAITH METHODIST CHURCH		3536 NE 8TH AVE	32605	SF	RSF1
06416-030-000	5.01	ZION EVANGELICAL LUTHERAN	CHURCH INC	3701 NE 15TH ST	32609	SF	RSF1
08242-000-000	5.65	HOLY TEMPLE OF GOD INC		1700 NW 34TH ST	32605	SF	RSF1
06375-010-000	5.78	UNIV AVE CHURCH OF CHRIST		1220 NE 23RD AVE	32609	SF	RSF2
08992-002-000	6.06	FLA CONFERENCE ASSOC OF	7TH-DAY ADVENTIST	4626 NW 8TH AVE	32605	SF	RSF1
06433-000-000	7.01	WESTMINSTER PRESBYTERIAN	CHURCH UNITED OF GVILLE	2115 NW 39TH AVE	32605	SF	RSF1
06094-001-000	7.64	ST ELIZABETH GREEK ORTHODOX	CHURCH OF GAINESVILLE INC	1521 NW 34TH ST	32605	SF	RSF1
06412-001-000	9.52	CONGREGATION B'NAI ISRAEL		5129 NW 53RD AVE	32606	SF	RSF1
06077-005-000	9.57	UNITARIAN-UNIVERSALIST	FELLOWSHIP OF GVILLE INC	3830 NW 16TH BLVD	32605	SF	RSF1
06079-001-000	9.82	COMMUNITY EVANGELICAL FREE	CHURCH OF GVILLE	4225 NW 34TH ST	32605	SF	RSF2
06502-000-000	18.34	BISHOP OF DIOCESE OF ST	AUGUSTINE	2640 NW 39TH AVE	32605	R-L	RSF4
06015-008-000	19.95	DOVE CHARISMATIC MINISTRIES	INC	0700 NW 39TH RD	32607	R-L	RSF4
				5805 NW 37TH ST	32606	SF	RSF2

## Comparable Cities

### Sarasota Florida

- Allowed by major conditional use permit in single family districts.
- Minimum zoning lot size in RSF and RMF zone districts shall be two acres.
- Food Distribution and sheltering not allowed as an accessory use, accessory defined to include Sunday school facilities, parking, caretaker's housing and group living facilities such as convents.

### Daytona Beach

- Allowed by special use in single family districts.
- Minimum lot size 2 acres.
- 35 foot setback from all sides and rear lot lines.
- Homeless shelters and food banks are not customarily related uses.
- There is an exemption for Churches existing on or before August 17, 1967.

### Ocala

- Allowed by special exception in single family districts.
- Minimum lot size 3-5 acres depending on the zoning.
- There is an exemption for some parcels based on the adoption of a particular ordinance, and those parcels must have at least 10,000 square feet.
- Homeless sheltering does not appear to be allowed.

### Tallahassee

- Allowed by right.
- Minimum lot size range from 12,000 square feet to 1 acre depending on the zoning district.
- Homeless sheltering does not appear to be allowed.

### Lakeland

- Allowed by conditional use permit in single family districts.
- Minimum lot size total seating capacity in sanctuary over 150: 40,000 square feet.
- Homeless sheltering does not appear to be allowed.

### Alachua County

- Allowed as a limited use special exception in single family areas.
- Minimum lot size in the Urban Cluster -1 acre and 3 acres outside of the urban cluster.
- Homeless shelter allowed as an accessory use, maximum 15 clients, meals to clients only (no limit) maximum size of homeless shelter shall be the lesser of 2500 square feet or 25% of the gross floor area of the principal structure.
- Soup kitchen allowed as an accessory use, maximum 25 clients, except in emergency periods such as extended cold weather or natural disaster. Hours of operation 7:00 a.m. and 8:00 p.m.

### Pensacola

- Allowed as a use by right.
- Minimum lot size range from 9,000 square feet to 20,000 square feet depending on the zoning district, with the condition that the maximum lot coverage shall not exceed 30% of the site for all principal and accessory structures.
- Homeless sheltering does not appear to be allowed.

### Tampa

- Allowed by special use permits.
- Minimum lot size 20,000 square feet.
- Emergency shelters are not included as "related religious activities"

### Jacksonville

- Allowed by right -- minimum lot shall not be less than four acres.
- Allowed by special use permit in certain districts - minimum lot shall not be less than two acres.
- Homeless sheltering does not appear to be allowed.