Alachua County
Unified Land Development Code

As Adopted
December 8, 2005 (Ord.05-10)
Amended:

- July 11, 2006 (Ord.06-12)
- July 20, 2006 (Ord.06-14)
- November 14, 2006 (Ord.06-36)
- January 23, 2007 (Ord.07-01)
- April 24, 2007 (Ord.07-07)
- August 14, 2007 (Ord.07-13)
- September 11, 2007 (Ord.07-15)
- March 25, 2008 (Ord. 08-04)
- April 22, 2008 (Ord. 08-06)
- October 14, 2008 (Ord. 08-24)
- October 28, 2008 (Ord. 08-25)
- February 24, 2009 (Ord. 09-01)
- September 8, 2009 (Ord.09-05)
- October 13, 2009 (Ord.09-07)
- March 23, 2010 (Ord.10-08)
- April 13, 2010 (Ord.10-09)
- June 8, 2010 (Ord.10-13)
- June 22, 2010 (Ord.10-14)
- August 10, 2010 (Ord. 10-16, 10-17)
- April 12, 2011 (Ord. 11-03)
- May 10, 2011 (Ord. 11-04)
- September 27, 2011 (Ord. 11-14)
- October 9, 2012 (Ord. 12-09)
- May 14, 2013 (Ord. 13-05)
- July 9, 2013 (Ord. 13-09)
- August 27, 2013 (Ord. 13-13, 13-14)
- January 28, 2014 (Ord. 14-04)
- March 11, 2014 (Ord. 14-06)
- May 13, 2014 (Ord. 14-08)
- May 27, 2014 (Ord. 14-10)
- September 23, 2014 (Ord. 14-17)
- April 14, 2015 (Ord. 15-06)
- June 9, 2015 (Ord. 15-07)
- June 28, 2016 (Ord.16-10)
- August 9, 2016 (Ord. 16-16 & 16-17)
- November 8, 2016 (Ord. 16-22 & 16-23)
- August 22, 2017 (Ord. 17-14)
- September 26, 2017 (Ord. 17-15)
- October 10, 2017 (Ord. 17-17)
- March 13, 2018(Ord. 18-10)
- August 14, 2018 (18-19)
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Article 1 General

400.01 Title

The rules and regulations hereby adopted shall be known and cited as the “Unified Land Development Code of Alachua County, Florida” and may be referred to as “this ULDC.”

400.02 Purposes

This ULDC is adopted for the purpose of promoting the public health, safety and general welfare of the residents and property owners of Alachua County, and to encourage the orderly, harmonious and judicious use of land, consistent with the goals, policies and strategies of the Alachua County Comprehensive Plan. More specifically, this ULDC is adopted to accomplish the following purposes:

(a) To carry out the purpose and intent of and exercise the authority set out in Florida Statutes 163.3202 and to implement the adopted principles, strategies, goals, objectives, policies and maps of the Comprehensive Plan related to the regulation of use and development of land and structures, and apply these standards to guide decisions affecting land use and development within the County.

(b) To protect and conserve property values and property rights, consistent with Florida law and the Constitutions of the State of Florida and the United States.

(c) To provide for adequate light, air and privacy; secure safety from fire, flood and other dangers and from human-made hazards; protect and enhance the aesthetics and character of all parts of the County; and avoid traffic congestion on streets, eliminate conflicts between pedestrian and vehicular movements, and encourage multimodal development.

(d) Without limitation but as a matter of emphasis, to carry out the following more specific purposes:

1. Promote sustainable land development that provides for a balance of economic opportunity, social equity including environmental justice and protection of the natural environment.

2. Base new development upon the provision of necessary services and infrastructure. Focus urban development in a clearly defined area and strengthen the separation of rural and urban uses.

3. Recognize residential neighborhoods as a collective asset for all residents of the County.

4. Create and promote cohesive communities that provide for a full range and mix of land uses.
5. Minimize the conversion of land from rural to urban uses by maximizing the efficient use of available urban infrastructure, while preserving environmentally sensitive areas.

6. Promote land development that maximizes the use of public investments in facilities and services, ensures a proper level of public services for all new development and preserves existing amenities.

7. Promote the spatial organization of neighborhoods, districts and corridors through urban design codes that serve as predictable guides for community development.

8. Prevent or minimize conflicts among different land uses and structures.

9. Establish zoning districts, restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residential, commercial, industrial and other specified uses.

10. Provide development standards, criteria and regulations consistent with the Comprehensive Plan for the establishment of uses within the various zoning districts.

11. Provide a range of densities, intensities and uses to implement the future land use categories.

12. Allow clustering and other flexible design options within conventional zones.

13. Ensure that gross density is consistent with the Future Land Use Element, while allowing for provision of unit bonuses for clustering where consistent with the Comprehensive Plan.

14. Encourage mixed-use development.

15. Protect natural resources and conservation areas during the land use planning and development review process through specific provisions for their protection, with an emphasis on designing with nature.

16. Provide performance standards for development in and adjacent to conservation and preservation areas to protect and enhance the natural, physical, biological, ecological, aesthetic and recreational functions of these areas.

17. Provide design standards for the development of streets in a manner consistent with the Corridor Design Manual.

18. Promote energy efficient land use patterns and building design, and energy conservation in the built environment.

400.03 Application Jurisdiction

Unless otherwise provided in this ULDC, all applicable standards and requirements shall apply to all structures and uses permitted within the unincorporated area of the County as well as to newly annexed areas until the municipality amends its comprehensive plan to include the annexed areas and the amendments are in effect.

400.04 Applicability

(a) The construction, moving, placement, erection, alteration or occupancy, of any building or structure, the use of any building or land, the disturbance of any water, the division of land and the development of land shall take place only in accordance with the requirements of this ULDC.
(b) The construction, or major reconstruction, of all streets in any zoning district, whether public or private, shall conform to, and include the design elements of, the Alachua County Corridor Design Manual. In addition, all streets must meet the minimum Design and Construction Standards for Streets and Drainage Systems outlined in §407.141 of this ULDC. Construction or reconstruction of transportation facilities identified as collector or arterial in the Future Transportation Functional Classification Map shall not be considered development for the purposes of this Part upon a finding by the Board of County Commissioners prior to approval of the Final Construction Plans that the proposed activities are consistent with the Comprehensive Plan.

(c) In all zoning districts, the Minimum Design and Construction Standards for Pedestrian Networks outlined in §407.142 of this ULDC shall be met. However, if the Development Review Committee determines that an existing or anticipated sidewalk network will not be constructed within a reasonable time to which the subject development could connect, the Developer, at its option, may pay to the County, in lieu of constructing the external sidewalk segment, a cash amount equivalent to the estimated cost of the sidewalk construction. As an incentive to the Developer, the County will reduce the cash amount by five percent (5%) of the estimated cost of construction of the sidewalk. Payment in lieu of construction would be placed into a fund that can be used only for construction of bicycle or pedestrian facilities in an alternative location to be determined by the County.

(d) Ongoing agriculture and silviculture farming operations that are not part of a development application and that meet the provisions and criteria pursuant to F.S. Chapter 163.3162, the Agricultural Lands and Practices Act, or F.S. 823.14(6), the Right to Farm Act, shall be exempt from any provisions of this ULDC that were not in existence as of July 1, 2003.

400.05 Minimum or Maximum Requirements
The provisions of this ULDC shall be the minimum or maximum requirements, as applicable, adopted for the promotion of the public health, safety or general welfare.

400.06 Conflicting Provisions
Wherever any requirement of this ULDC conflicts with the requirements of any other regulation or ordinance, the most restrictive requirement or that imposing the higher standards shall govern unless otherwise specifically provided.

400.07 Deed Restrictions
The enforcement and interpretation of this ULDC shall not be affected by deed restrictions, covenants or easements, other than those made as a condition of approval of a development application under this ULDC or any predecessor ordinance.

400.08 Effective Date
This ULDC shall become effective as of January 30, 2006, but not before the date a certified copy of the ordinance adopting this ULDC is filed with the Department of State, as provided in Chapter 125.66, Florida Statutes.

400.09 Designees
Unless otherwise specified in this ULDC, the identification of certain officials, including the County Manager, Director of Growth Management, County Attorney or any other Department Director or County Official to perform a task or carry out a specific responsibility, shall also include the
designee of such official. Unless otherwise specified in this ULDC, the term “Director” shall mean the Director of Growth Management and the term “Department” shall mean the Department of Growth Management.

400.10 Severability
(a) Invalidation
Should a Court of competent jurisdiction of either the State of Florida or the United States hold any Section, sentence, clause, phrase or word of this ULDC invalid or unconstitutional, such decision shall not affect, impair or invalidate the remaining parts of this ULDC, which can be given effect without the invalid provision.

(b) Prejudicial Application
Should any Section, sentence, clause, phrase or word of this ULDC be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

400.11 Presumption of Validity
It is the intent of the Board of County Commissioners that this ULDC and all actions under it be granted the full benefit of the presumption of validity, to the maximum extent applicable to county actions in the State of Florida.

400.12 Definitions
Definitions of words and phrases for the use, administration and interpretation of this ULDC are provided in Chapter 409.
Article 2  Official Zoning Map and Zoning Districts

400.13  Official Zoning Map
(a) Creation and Adoption
The “Official Zoning Map of Alachua County, Florida,” including all explanatory materials and information, is adopted by reference and made a part of this ULDC.

(b) Location and Maintenance
The Official Zoning Map shall be located in the Department of Growth Management and maintained in a published version and format as determined by the Department.

(c) Amendments
The Official Zoning Map may be amended by adoption of resolutions that rezone property as provided in Article 13 of Chapter 402.

400.14  Zoning of Vacated Rights-of-Way
When any public right-of-way is vacated, such right-of-way shall, without further action by the County, be deemed to be zoned as follows.

(a) If all of such land is surrounded by land classified in one zoning district, then it shall be deemed to be included in that district.

(b) If such land is surrounded by land classified in more than one zoning district, then the zoning of each part of the vacated land shall be the zoning of the adjoining land owned by the owner receiving that part, with the zoning boundary to follow the new property lines and/or zoning district line.
Article 3   Transient Provisions

400.15   Applicability of Transient Provisions
The transient provisions of this Article shall apply to various activities, actions and other matters pending or occurring on the original effective date of this ULDC.

(a) Continuing Construction
Any building or structure for which a building permit was issued prior to the effective date of this ULDC may be completed in conformance with the issued building permit and other applicable permits and conditions, including the plans submitted for the approval of the permits. If such building or structure does not fully conform to the provisions of this ULDC or if the use for which it was designed is not permitted under this ULDC, such building or structure may be occupied and used as a legal nonconforming building, structure or use, subject to the provisions of Chapter 408.

(b) Continuing Development
Any subdivision or other development, for which a development order was approved prior to the effective date of this ULDC, may be completed in accordance with the approved development order and other applicable permits and conditions. If such subdivision or development does not fully conform to the provisions of this ULDC, the subdivision or development (including any buildings for which plans were included in a development approval) may be completed and used and shall exist as a legal nonconforming lot or nonconforming building or structure, subject to the provisions of Chapter 408 of this ULDC.
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Article 1  General Provisions

401.01  Purpose
The purpose of this Chapter is to establish the authority for review and consideration of development applications and other proposed actions in Alachua County and to assign such authority to the following:

(a) the Alachua County Board of County Commissioners;
(b) the Alachua County Planning Commission;
(c) the Alachua County Development Review Committee (DRC); and
(d) the Alachua County Development Review Departments:
   1. Department of Growth Management;
   2. Environmental Protection Department; and
   3. Department of Public Works.
Article 2 Board of County Commissioners

401.02 Powers and Duties

The Board of County Commissioners shall have the powers and duties listed below, in addition to those provided elsewhere in the Alachua County Code.

(a) Appointments

The Board shall appoint members of the Planning Commission and such other commissions, boards or officers as required by this ULDC and consistent with the Rules and Procedures of the Alachua County Board of County Commissioners and the Guidelines for Citizens Advisory Boards and Committees.

(b) Comprehensive Plan Amendments

The Board has the authority to adopt, adopt with changes, or reject proposed amendments to the Comprehensive Plan and any Evaluation and Appraisal Reports prepared to update the Comprehensive Plan.

(c) ULDC Amendments

The Board has the authority to approve, approve with changes or deny amendments to the text of this ULDC.

(d) Land Development Regulation Commission

The Board of County Commissioners shall serve as the Land Development Regulation Commission (LDRC) as provided in Sections 163.3164(2) and 163.3194(2), Florida Statutes.

(e) Consideration of Applications and Other Actions

The Board has authority to approve, approve with conditions or deny the development applications and other proposed actions listed below:

1. amendments to the Official Zoning Map;
2. special exceptions;
3. special use permits;
4. activity center plans;
5. special area studies;
6. special area plans;
7. major or minor Amendments to an approved planned development zoning district;
8. development agreements as provided in Chapter 163.3220, Florida Statutes;
9. developments of regional impact as provided in Chapter 380, Florida Statutes;
10. plats, including final plats, replats, and vacation or abandonment of plats;
11. vacation or abandonment of streets;
12. preliminary development plans that exceed thresholds, as established in §402.44, Development Plan Review, of Chapter 402;
13. all water and sewer line extensions outside the Urban Cluster Line; and
15. Final Redevelopment Plans
Chapter 401. Development Review Bodies
Article 3. Planning Commission

401.03 Establishment, Composition and Term of Office

(a) Establishment and Composition
The Planning Commission shall be composed of seven voting members to be appointed by the Board of County Commissioners and one voting member to be appointed by the Alachua County School Board. The Board of County Commissioners may appoint an alternate member who shall serve in place of any absent member, except the School Board member, and shall have all rights and responsibilities of the absent member, including the right to vote.

(b) Term of Office
Each member shall serve a term of four years, and terms shall remain staggered by adopting the present terms of the members of the Planning Commission.

401.04 Qualifications of Members

(a) Residence
Members of the Planning Commission shall be residents of the County.

(b) Disclosure
Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.

(c) Ethics
Members of the Planning Commission shall be subject to all applicable provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers.

401.05 Vacancies, Attendance and Removal of Members

(a) Vacancies
Vacancies on the Planning Commission shall be filled by appointment of the Board of County Commissioners.

1. Time of Appointment
An appointment to fill a vacancy shall be made within 60 days after the vacancy occurs.

2. Notification of Vacancy
The Director shall notify the Board of County Commissioners within ten days after any vacancy shall occur on the Planning Commission. If the Director shall fail to provide timely notice of a vacancy, the Chair of the Planning Commission may notify the Board of County Commissioners of the vacancy.

3. Expiration of Term and Continuance in Office
If the term of a member expires prior to the appointment or reappointment of a member by the Board of County Commissioners, that member shall continue to serve until the appointment is made.
(b) **Attendance and Removal of Members**

1. **Attendance Requirements and Removal**
   Members of the Planning Commission shall meet the minimum attendance requirements specified in the most current version of the Guidelines for Advisory Boards and Committees. These attendance rules do not apply to the School Board member.

2. **Removal for Other Cause**
   The Board of County Commissioners shall remove any member of the Planning Commission who:
   
   a. is no longer a resident of Alachua County; or  
   b. is convicted of a felony or of an offense of moral turpitude while in office serving as a Planning Commissioner; or  
   c. is found by the Board of County Commissioners to have knowingly or repeatedly violated provisions of Chapter 112, Part III, Florida Statutes, regarding ethics for public officers; or  
   d. is found by the Board of County Commissioners to have known that she or he had a conflict of interest in a matter and participated in the decision on that matter.

401.06  **Officers, Meetings, Rules of Procedure**

(a) **Election of Officers**
   At an annual organizational meeting to be held each year on October 1 or as soon thereafter as practicable, the members of the Planning Commission shall elect one of their members as Chair and one as Vice-Chair.

(b) **Presiding Officers**

1. **Chair as Presiding Officer**
   The Chair shall serve as the presiding officer of the Planning Commission.

2. **Temporary Absence of the Chair**
   In the temporary absence of the Chair, the Vice-Chair shall act as Chair and shall have all powers of the Chair. In the temporary absence of both the Chair and Vice-Chair at any meeting, the Planning Commission shall elect a temporary Chair.

3. **Permanent Absence of the Chair**
   In the event of the permanent absence of the Chair due to resignation or other cause, the Vice-Chair shall perform the Chair's duties until such time as the Planning Commission shall elect a new Chair.

4. **Duties of the Presiding Officer**
   The presiding officer shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.
(c) **Meetings**

1. **Regular Meetings**
   Regular meetings shall be held each month and shall be set for a time, date and location certain.

2. **Special Meetings**
   a. **Calling of Special Meetings**
      Special meetings may be called by the Chair of the Board of County Commissioners, a majority of the Board of County Commissioners, the Chair of the Planning Commission, or a majority of the members of the Planning Commission.
   b. **Notice of Special Meetings**
      The Director shall notify all members a minimum of five days in advance of any special meetings.

(d) **Minutes and Public Records**

The Planning Commission shall keep minutes of its proceedings, showing the absence of members and the vote of each member including the Chair and Vice-Chair.

(e) **Meetings and Hearings to be Public**

All meetings and hearings of the Planning Commission shall be open to the public.

(f) **Public Notice**

Public notice of Planning Commission hearings shall be provided as required for each application type as provided in Chapter 402 and in accordance with the procedures of Article 4, Notice of Hearings, in Chapter 402.

(g) **Rules of Procedure**

The most recent edition of The Standard Code of Parliamentary Procedure (Alice Sturgis) or such other document as may be specified by the Guidelines for Advisory Boards and Committees shall govern the proceedings at the meetings of the Planning Commission. The Commission may, by resolution, adopt additional rules of procedure not inconsistent with the Guidelines for Advisory Boards and Committees and any procedures set out or incorporated by reference therein.

(h) **Quorum**

A meeting of the Planning Commission shall not be called to order, nor shall any business be transacted by the Planning Commission, without a quorum being present. A quorum shall consist of at least four members.

(i) **Consideration of Applications and Other Actions**

A majority vote of a quorum or any greater number of members present at a meeting shall be necessary for the Planning Commission to take any action or make a decision or other determination. The provisions of Chapter 286.012, Florida Statutes, prohibiting abstention from voting except in the case of conflict of interest, shall apply.
(j) Conflict of Interest

1. Action if Conflict of Interest Exists

If there is a matter which comes before a member of the Planning Commission for which a conflict of interest exists, the member shall, as provided in Chapter 112, Part III, Florida Statutes:

a. prior to the vote being taken, publicly state the nature of the interest in the matter;

b. abstain from voting or participating in the matter; and

c. within 15 days after the vote occurs, file a memorandum, Form 8B or other approved form with the secretary describing the nature of the interest in the matter.

(k) Powers and Duties

The Planning Commission shall exercise the powers and duties listed below.

1. Public Hearings and Recommendations

The Planning Commission shall hold public hearings and make recommendations to the Board of County Commissioners on the applications and other actions listed below:

a. amendments to the Official Zoning Map;

b. major change to an approved planned development zoning district;

c. special exceptions, and major amendments to such exceptions;

d. special use permits, and major amendments to such permits;

e. amendments to the text of this ULDC when requested by the Board of County Commissioners.

2. Local Planning Agency

The Planning Commission shall act as the Local Planning Agency as provided by Chapter 163.3174, Florida Statutes. In the capacity as the Local Planning Agency, the Planning Commission shall hold public hearings and make recommendations to the Board of County Commissioners regarding:

a. Evaluation and Appraisal Reports and

b. Comprehensive Plan amendments.
### Chapter 401. Development Review Bodies

#### Article 4. RESERVED

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Unified Land Development Code

ADOPTED AS ORD. 18-23

-Alachua County, Florida

401-7

10/09/2018

/2016
Article 5  Development Review Committee

401.12 Establishment
The Development Review Committee (DRC) is hereby established.

401.13 Composition and Officers
(a) Members
The Directors of the Growth Management and Environmental Protection Departments shall each designate one DRC regular member and an alternate member from their respective departments. The Growth Management Director shall also designate a third member and alternate from any County department. The DRC regular and alternate members shall not be directly involved with the review of the DRC development applications. Names of the appointed members and alternates shall be noted on the DRC agenda. Upon application, applicants shall be advised not to contact the DRC members or alternates with regard to any item to be reviewed on the DRC agenda to ensure the integrity of the quasi-judicial process.

401.14 Meetings
The time, location and date of meetings shall be established by the Director.

401.15 Public Notice
Public notice of DRC hearings shall be provided as required for each application type as provided in Chapter 402 and in accordance with the procedures of Article 4, Notice of Hearings, in Chapter 402.

401.16 Rules of Procedure
(a) The Development Review Committee shall adopt rules of procedure necessary to its governance and the conduct of its affairs in keeping with applicable provisions of Florida law and the ordinances of Alachua County.

(b) All meetings and hearings of the Development Review Committee shall be open to the public.

401.17 Powers and Duties
(a) Review and Approval
The Development Review Committee has the authority to approve, approve with conditions, or deny the following:

1. preliminary development plans under the thresholds established in Chapter 402 §402.44 Thresholds for Development Review;
2. final development plans;
3. minor development plans;
4. minor change to an approved planned development;
5. modifications to a development plan resulting in more than 1,500 square feet of new impervious area or affecting other elements of an approved final development plan;
6. change of use resulting in more than 1,500 square feet of new impervious area or affecting other elements of an approved final development plan;
7. master plans for planning parcels with significant plant and wildlife habitat or listed plant and animal species habitat;
8. floodplain development permits except those listed under §401.20(d);
9. variance to Flood Hazard Protection Standards of Chapter 406, §406.57.2;
10. waivers to the setback requirements from major road centerlines, section lines, and half section lines as identified in §407.03 in conjunction with an associated development plan;
11. reductions to the minimum property development standards in Table 407.78.1, Dimensional Standards for Rural/Agriculture Clustered Subdivisions, for front setback, rear setback, lot width and lot depth by no more than 25 percent pursuant to §407.78(g)1;
12. Certificate of Level of Service Compliance (CLSC) pursuant to Chapter 407, Article 12, Concurrency Management;
13. reductions or waivers to the industrial district boundary requirement in accordance with §403.16(d);
14. reductions or increases of the preservation boundary buffer in accordance with §405.33(b)4;
15. activities that propose significant adverse impacts to regulated natural and historic resources; and
16. Variances from the following requirements in any zoning district except the Planned Development (PD) zoning district:
   a. the minimum yard/setback requirements, lot width or lot depth; and
   b. the maximum height or building coverage.

(b) Review and Recommendation

The Development Review Committee shall review and make recommendations on plats and replats to the Board of County Commissioners.
Article 6  Development Review Departments

401.18  Establishment
For the purpose of this Article the Development Review Departments shall consist of the Department of Growth Management, the Environmental Protection Department and the Department of Public Works.

401.19  Department of Growth Management
Unless otherwise provided herein, the authority to administer, implement, enforce and interpret this ULDC is granted to the Director of the Department of Growth Management.

401.20  Development Review Departments Powers and Duties
The Department of Growth Management, the Environmental Protection Department and the Department of Public Works shall exercise the powers and duties listed below:

(a)  Review and Report
County staff shall review and prepare reports and recommendations to the following decision making bodies based on the review and recommendations of the Growth Management Department, Environmental Protection Department, the Department of Public Works, as well as input from other departments and agencies:

1.  Development Review Committee
   regarding the following development applications:
   a.  any application listed in §401.17(a);
   b.  plats, including final plats and re-plats.
2.  Board of County Commissioners (and Planning Commission where applicable)
   Applications as listed in §401.02.

(b)  Decisions of the Growth Management Department
The Director of the Growth Management Department, in conjunction with any of the other appropriate Development Review Departments, shall coordinate the review and make a decision to approve, approve with conditions or deny any of the following applications:

1.  interpretation of the ULDC;
2.  vested rights certification;
3.  interpretation of district boundaries, where there is any dispute as to the location of the boundary of a zoning district in relation to particular property;
4.  building permit;
5.  building permits for docks of less than 1,000 square feet meeting the standards in Chapter 404, §404.108;
6.  certificate of occupancy;
7.  general home-based businesses;
8.  family homestead exceptions and transfers;
9.  temporary uses that do not involve overnight camping;
10.  sign permit;
11. temporary placement permit;
12. tree removal permit;
13. certain personal wireless service facilities meeting the administrative development approval criteria in Article 12 of Chapter 404 of this ULDC;
14. administrative development plan review of any modifications to a development plan resulting in less than 1,500 square feet of impervious area provided the change does not affect other elements of an approved final development plan;
15. a change of use to a permitted or limited use, except where DRC approval is required in Chapter 404, where the proposed change will not require more than 1,500 square feet of impervious area provided the change does not alter other required elements of a development plan;
16. waivers to the setback requirements from major road centerlines, section lines, and half section lines in §407.03 for structures on existing legal lots of record; and
17. Tier 1 tower replacements meeting the standards of §404.54(a)5.

(c) Decisions of the Environmental Protection Department
The Director of the Environmental Protection Department, in conjunction with any of the other appropriate Development Review Departments, shall coordinate the review and make a decision to approve, approve with conditions or deny any of the following applications:

1. minimal impact activities in and adjacent to conservation or preservation areas;
2. minimal impact activities in and adjacent to regulated natural and historic resources;
3. removal of indigenous vegetation in special area studies;
4. hazardous facilities;
5. well registration and well abandonment;
6. Murphree Wellfield hazardous waste licenses; and
7. Dewatering activities discharging to wetlands, conservation or preservation areas.

(d) Decisions of the Department of Public Works
The Director of the Public Works Department, in conjunction with any of the other appropriate Development Review Departments, shall coordinate the review and make a decision to approve, approve with conditions or deny any of the following:

1. floodplain development permit for single family residence or mobile or manufactured home on a legal lot of record;
2. floodplain development permit for boat docks under 1,000 square feet meeting the standards of §404.108;
3. minor modifications to stormwater management facilities and right-of-way infrastructure associated with development previously approved by the Development Review Committee;
Chapter 401. Development Review Bodies
Article 6. Development Review Departments

4. as an exemption to the requirements found in Chapter 404, Article 24 Mining, Excavation and Filling Operations, and for the purposes of creating an Agricultural type pond, excavation of more than 200 cubic yards of material that do not impact regulated resource areas or involve areas within the limits of the flood hazard area;

5. right of way use and Utility Permit for allowable uses of public rights-of-way;

6. driveway permits;

7. construction permits;

8. temporary construction stockpiles and temporary construction storage, leasing and sales offices that are not shown on an approved development plan;

9. dewatering activities with proposed offsite discharge; and

10. exceptions from the public road frontage requirement in Section 404.73(f)1 for the first split of a parent parcel or a family homestead exception where the private road meets minimum width, stabilization and maintenance requirements for the purpose of providing emergency service delivery, and the applicant provides proof of access to a county maintained public road.
Chapter 402 Development Application Review Procedures

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Article 1 Applicability and General Provisions

402.01 Purpose
The purpose of this Chapter is to provide the procedures and general standards for review of development, development activity and other applications that are submitted to officers or bodies of Alachua County for review under this ULDC. Unless otherwise provided in this Chapter or this ULDC, the Director shall establish the detailed procedures for development review, including the following:

(a) dates and deadlines for submitting applications;
(b) application forms;
(c) required documents and information to accompany application forms;
(d) public notice;
(e) completeness review;
Chapter 402. Development Application Review Procedures


(f) sufficiency review;
(g) review of responses to completeness or sufficiency reviews;
(h) approval of applications for further consideration or public hearing;
(i) form and preparation of Department or Development Review Committee recommendations; and
(j) such other action as may be needed to provide development review in an objective, timely and thorough manner.

402.02 Applications for Development Approval

(a) Applicability
All development applications shall comply with the requirements of this Article and this Chapter.

(b) Submittal of Applications
Unless otherwise provided herein, all development applications shall be filed with the Department.

402.03 Effect of Overdue Taxes, Liens and Fines

(a) Application Information
In addition to the application information required by other parts of this Chapter, an applicant shall provide with the application evidence that all property taxes and other obligations owed Alachua County related to the property are current.

(b) Application not to be Processed
An application that includes property for which there are overdue taxes or other financial obligations to Alachua County shall not be reviewed or processed by the Department, except in those cases where development plan approval is a requirement to correct a violation.

402.03.5 Building Permit Review for Affordable Housing Units

(a) Applicability
This Section applies to all housing units funded by any of the following programs below:

1. Community Development Block Grant
2. State Housing Initiatives Partnership Program (SHIP)
3. Impact Fee Assistance Program
4. Other (i.e housing tax credit program)

(b) Processing of Building Permits
Building permits for projects meeting the affordable housing guidelines above shall be available (processed) within six business days from the day the application is found sufficient and complete. No default permit is issued on account of this deadline.

(c) Application Information
In addition to the required information necessary to obtain a building permit, all affordable housing units seeking expedited review shall submit an Alachua County Expedited Review Process for Affordable Housing Units form.
Article 2  Common Development Application Elements

402.04  Application Screening for Administrative Permits

(a)  Pre-Application Request for Information
A property owner or person with legal authority under §402.06(b) may submit a pre-application screening request to the Growth Management Department prior to submittal of a permit application to identify any issues related to the parcel and permit request. The following information should be provided as part of the pre-application screening request:

1. Tax parcel number and physical address;
2. Contact information, including name, telephone number, and e-mail address if applicable; and
3. General location and description of proposed activities.

(b)  Application Screening
Before an application is approved by the County for an administrative permit, as provided for in Chapter 401 Article 6, Development Review Bodies, the following application material shall be submitted to the Growth Management Department to determine compliance with this ULDC and signed off on by the Growth Management Department, Public Works Department, and the Environmental Protection Department:

1. Content
   a. Survey of the parcel where activity is proposed, drawn to scale, including a north arrow and scale showing:
      i. Parcel boundaries with dimensions;
      ii. Locations of all proposed improvements with dimensions from two intersecting property lines to the proposed structure and showing all proposed improvements including but not limited to access, structures, septic system, wells, and utilities;
      iii. Locations of all existing improvements, and
      iv. Locations of all existing and proposed easements.
   b. Tax parcel number and physical address; and
   c. Contact information, including name, telephone number, and e-mail address if applicable.

(c) Exceptions
The following administrative applications are not required to submit the information in subsection (b) of this Section for application screening:

1. Subdivisions, Plats and Non-residential Developments Approved After May 2, 2005
Subdivisions, plats and non-residential developments approved after May 2, 2005 by the DRC or Board of County Commissioners under this ULDC, provided the administrative permit request is consistent with the approved activities, parameters, and requirements of the development plan, subdivision
and/or plat, unless the lot is specifically identified by the authorizing review body as needing screening review as part of final approval.

2. **Lots Approved Through Pre-Screening**
   Administrative applications where the property has been prescreened for the proposed activity through the prescreening process identified in subsection (a) of this Section.

3. **Other Lots Found to be in Compliance**
   Other subdivisions, projects, plats, or lots that have been found to be in compliance with this ULDC and the Comprehensive Plan, and already reviewed by the Growth Management Department, Public Works Department, and the Environmental Protection Department. A list of such developments or properties shall be maintained at the Growth Management Department.

**402.05 Development Application Forms**

(a) **Content**

The Director shall establish application forms to be submitted to the Department for all development applications referenced in this Chapter. The information required to accompany each type of development application that is submitted to the Department shall include but is not limited to the following:

1. authority to submit an application, in a form approved by the County Attorney;
2. statement of how the development proposal is consistent with the Comprehensive Plan;
3. statement of how the development proposal is consistent with the Comprehensive Plans of all other jurisdictions within the market area, if applicable.
4. statement of how the development proposal is consistent with the applicable standards and criteria of this ULDC;
5. evidence of compliance with all applicable elements of the County’s concurrency management system as provided in Chapter 407, Article 11 of this ULDC;
6. to the extent applicable, documentation or professional studies such as:
   a. natural resources assessment (§406.04, Chapter 406);
   b. tree survey and landscape plan;
   c. public school impact;
   d. sign plan;
   e. solid waste disposal and recycling;
   f. stormwater management, erosion and sedimentation control;
   g. traffic impacts including intersection analysis (§407.136(c)) in accordance with an approved traffic methodology agreement;
   h. water and sewer utilities;
   i. environmental monitoring plan;
   j. pollution prevention plan;
k. topographic survey of area subjected to development impact meeting the technical standards of Florida Administrative Code 5J-17.052 and signed and sealed by a Florida Professional Surveyor and Mapper (PSM);

l. similar information as may be required by the Director;

7. development plans;
8. master plan or zoning master plan with all related attachments, if applicable;
9. phasing plan, if applicable;
10. boundary survey of the entire property meeting the technical standards of Florida Administrative Code 5J-17.052 and signed and sealed by a Florida Professional Surveyor Mapper (PSM), completed within two years of the application date and containing a legal description and the total acreage calculated to one-tenth of an acre, if applicable;
11. architectural elevations, if applicable;
12. warranty deed, or such other deed as may be required by the Director;
13. fees, as established by the Board of County Commissioners;
14. market study, if applicable;
15. fiscal impacts including the timing of any needed infrastructure improvements or new facilities, if applicable;
16. employment study, if applicable;
17. an evaluation of the impacts of proposed Comprehensive Plan or Land Development Regulation amendments on the initial cost of housing, the long-term cost of home ownership and the fiscal impacts to the County and the County’s taxpayers;
18. all ADA accessible routes must be identified on the development plans;
19. subdivision plat and any underlying plat, if applicable;
20. homeowners’ or other property association documentation, if applicable;
21. plans, details and structural calculations for retaining walls which are not in accordance with the FDOT Index or certified and signed and sealed by a Florida Professional Engineer (PE);
22. temporary construction easements, drainage easements, and public access easements, if applicable.
23. Any application for a Special Exception for a commercial use greater than 5,000 square feet of gross floor area in a Rural Cluster in accordance with Section 403.13(e) shall include the following:
   a. Demonstration that there is a need for such use to serve the population within the Rural Cluster and the immediate surrounding areas, and that this need cannot be met through existing commercial uses within the market area or commercially zoned undeveloped land within the Rural Cluster,
   b. Demonstration that such use would be compatible with the size, scale, and character of the existing land uses within the Rural Cluster and the immediate surrounding land uses designated in the Comprehensive Plan, and
c. Analysis of how approval of the Special Exception would impact any existing commercially-zoned undeveloped land within the Rural Cluster in light of the limitation on the total amount of commercial uses within Rural Clusters pursuant to Policy 6.4.3 of the Comprehensive Plan, Future Land Use Element and Section 403.13(e) of this ULDC.

(b) **Submittal of Forms**

All development applications shall be submitted, on these forms and in such numbers as required, to the Department of Growth Management.

### 402.06 Authority to File Applications

(a) **Legal Authority Required**

Applications shall only be accepted with signatures from persons having the legal authority to submit them.

(b) **Persons with Legal Authority**

For the purposes of this Article, applications shall be made by any of the following:

1. owners of a property that is subject to a development application;
2. lessees of property subject to a development application, with the notarized written permission of the property owner;
3. the agents of a property owner or lessee, with the notarized written permission of the property owner; or
4. persons who have contracted to purchase property contingent upon receiving the necessary approval under this ordinance, or the agents of such persons, with the notarized written permission of the property owner.

(c) **Authority to Submit Application**

The Director of Growth Management may require an applicant to present evidence of authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.

(d) **Authority to Access the Property**

Owners of property shall make available to Alachua County staff a means of reasonable access to the property for which an application has been submitted.

### 402.07 Fees

Fees shall be paid according to the fee schedule established by resolution by the Board of County Commissioners.

(a) **Revised Applications**

Any substantial applicant-initiated revisions shall require payment of additional fees. For the purposes of this Section, the Director shall determine if a proposed revision is to be deemed substantial, and the determination can include such factors as:

1. increase or decrease in land area included within an application;
2. change in uses;
3. change in the density or intensity of a project;
4. modification of proposed development plan, such as a change in vehicular access, change in building location or change in dwelling unit type;
5. reduction or relocation of proposed buffers, landscaping or conservation areas; and
6. change or elimination of conditions included as part of a development application approval.

(b) Withdrawn Applications

Upon written request to the Director, an applicant who has paid the appropriate fee but withdraws the application prior to any review or advertising by County staff may be entitled to a partial refund.
Article 3  Preliminary Procedures for All Applications

402.08  Applicability of Preliminary Procedures
The requirements of this Article shall, unless otherwise expressly provided in this Chapter, apply to all development applications.

402.09  Determination of Completeness
(a)  Completeness Determination
Applications will be checked for completeness at time of submittal. An application shall be deemed complete when it contains all required information and documents.

(b)  Complete Application
Once an application has been deemed to be complete, staff shall then perform the sufficiency review.

(c)  Effect of Incomplete Application
Incomplete applications will not be accepted for review. If an application is determined to be incomplete, the applicant shall be notified of the additional information that is required to continue review of the application.

402.10  Determination of Sufficiency
(a)  Sufficiency Determination
A determination of sufficiency shall be made after an application is determined to be complete. An application shall be deemed sufficient if all required information and documents have been prepared in accordance with professionally accepted standards. If an application is determined to be insufficient, the applicant shall be notified in writing of the specific nature of additional information that is required to continue or conclude review of the application.

(b)  Sufficient Application
Once an application has been deemed to be sufficient, staff review shall commence and the application shall be placed on the next available agenda of the appropriate reviewing body.

(c)  Effect of Insufficient Application
An applicant has 90 days from receipt of written notification of insufficiency to provide all the necessary information to remedy an insufficient application. The application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

1. The applicant provides all the information necessary to remedy an insufficient application; or
2. The applicant may provide documentation to establish that the applicant is continuing in good faith to remedy the insufficiencies pursuant to 402.20(b)2; or

3. The applicant requests in writing, that the application be processed in its present form. In this case the applicant acknowledges that the application has been determined by the Director to be insufficient, the applicant waives the right to supplement the application with additional information, and the applicant agrees to allow a decision on the application based on the information submitted. The application shall then be processed in its present form.

402.10.5 Expiration of Applications

If more than a year has passed since an application was determined to be sufficient, it is not under active review by staff, and there is no outstanding request to advance the application, it shall be deemed expired and a new application must be submitted for review.
Article 4  Notice of Hearings

402.11  Applicability

(a)  Public Meetings

All meetings of the Board of County Commissioners, the Planning Commission and the Development Review Committee are public meetings and subject to the notice requirements under the Florida Statutes and the Rules of Procedure of the Board of County Commissioners.

(b)  Hearings Required by this ULDC

Additional notice is required for most public hearings held in accordance with this ULDC. This Article sets out the minimum requirements for notice for such hearings.

402.12  Types of Public Notice

Forms of notice required for various public hearings may include mailed notice, published notice provided via a newspaper of general circulation, and posted notice by signs located on the subject property. Neighborhood workshops, in accordance with the procedures of Article 5, Neighborhood Workshops, of this Chapter, provide additional notice to the public regarding certain types of development applications. The public notice requirements for development applications are indicated in Table 402.12.1.

Table 402.12.1
Required Public Notice for Development Applications

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402.13 Content of Mailed and Published Notices

In addition to the content of mailed and published notices provided in this Section, published notice for a neighborhood workshop shall also be consistent with Article 5 of this Chapter. All mailed and published notices shall include, at a minimum, the information listed below.

(a) Statutory Requirements
Any information required by the Florida Statutes for published notice for the type of application which is the subject of the notice.

(b) Nature of Application
The application number, the application type, and a description of the proposal or request.

(c) Public Hearing Location, Time and Date
The location, time and date of all scheduled public hearings or workshops on the application.

(d) Location of the Subject Property
1. A description of the land involved by street address, if any, or by legal description or parcel number(s) of the subject parcels.
2. For mailed notices, a location map shall be included, indicating the location and general boundaries of the property, with reference to the closest intersection of public streets, when possible.

(e) Size of Subject Property
The total size of the parcels, rounded to the nearest one-tenth of an acre.

(f) Comprehensive Plan and Zoning Designations
The future land use map designation and zoning district of the property subject to the application, if applicable.

(g) Materials Available for Public Information
The name, address and telephone number of the department in which the application, staff report and related materials may be inspected by the public, and the fact that information is available for public inspection during normal business hours.

1. Submittal of Written Materials
The name, address and telephone number of the department where the public may submit written comments or evidence prior to the public hearing.

2. Public Comment Allowed
A statement that affected parties may appear at the public hearing, be heard, and submit evidence and written comments.

402.14 Procedure for Mailed Notice

(a) To Whom Provided
When required, as shown in Table 402.12.1, notice shall be mailed to all individuals and property owners indicated below. Notice for Neighborhood Workshops shall be mailed by the applicant.
1. **Property Owners of the Subject Property**
   All property owners of the land subject to the application shall be mailed a written notice of a public hearing or workshop.

2. **Jurisdictions**
   All bodies of government, including other counties or municipalities, adjacent to land subject to the application shall be mailed a written notice of a public hearing or workshop.

3. **Alachua County School Board**
   The Alachua County School Board shall be mailed a written notice of a public hearing or workshop concerning residential development.

4. **Nearby Property Owners**
   The property owners listed below shall be mailed a written notice of a public hearing or workshop. When land that is the subject of an application is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the entire ownership. When the distance measurement from a property boundary as required below ends in a roadway, the property directly across the roadway shall also be mailed a written notice. Requirements for notice to abutting property owners shall mean those identified using the most recent available tax rolls at the time of development application.
   
   a. **Abutting Property Owners**
      All property owners within 500 feet of the boundaries of the property for application shall receive notice.
   
   b. **Abutting Properties Designated Rural Agriculture**
      If the parcel is located in an area designated Rural/Agriculture on the Future Land Use Map, all property owners within 1,320 feet of the boundaries of the property for application shall receive notice.
   
   c. **Neighborhood and Property Owner’s Associations**
      If any dwelling within the required notification area is part of a neighborhood association or property owner’s association, and that information is a matter of record with the Department, the association shall receive notice.
   
   d. **Registered Associations or Individuals to Receive Agendas**
      All neighborhood associations or similar property owners’ associations, or individuals that have registered with the Department shall receive, at minimum, the agendas for public meetings that consider development applications in Alachua County.

(b) **Mailing and Postmarking**
   1. **Timing of Mailed Notice**
      For any application requiring mailed notice, such notice shall be mailed a minimum of 15 days prior to the initial public hearing or workshop.
2. **When Notice Deemed to be Mailed**

Notice shall be deemed mailed by its deposit in the mail, properly addressed and with postage paid.

(c) **Department Verification**

The following information shall be submitted to the Department for notice of neighborhood workshops. This information shall be submitted as part of the application packet for which the neighborhood workshop was required.

1. a notarized affidavit certifying that the notices were mailed in compliance with the standards of this section;
2. a copy of the mailed notice; and
3. the name and address list of property owners and jurisdictions to which the mailed notices were provided.

402.15 **Procedure for Published Notice**

(a) **Preparation of Content and Publishing**

The Department shall prepare the content of the notice and be responsible for publishing the notice in the newspaper of general circulation selected by the County.

(b) **Content and Form of Notice**

1. For published notice required by Florida Statutes Chapter 125, Section 125.66 or Chapter 163 Section 163.3184, the standards of those sections shall apply. In addition, the notice shall contain the information as required by §402.13 of this ULDC.
2. For other published notices required by Table 402.12.1 the following standards shall apply:
   a. The title of the advertisement shall be “Notice of Public Hearing”;
   b. Content of the advertisement shall include information as required in §402.13 of this ULDC; and
   c. The advertisement shall be published no less than 7 days prior to the date of the public hearing.

402.16 **Requirements for Posted Notice**

(a) **Content of Notice**

When required, as shown in Table 402.12.1, posted notices shall include the following information clearly written on the sign:

1. the type of application, visible from the street (Federal Highway Standards prescribed in the Manual on Uniform Traffic Control Devices, which is available on file with the Department of Public Works);
2. description of proposal or request;
3. zoning districts and future land use designations for comprehensive plan amendments and zoning applications (zoning districts shall be spelled out, not abbreviated, and applicable densities shall be included with land use designations); and
4. a phone number to contact the Department for additional information.
(b) **Posting of Notice**
Posting of property shall comply with the requirements listed below.

1. **Responsibility for Posting**
   Signs shall be posted by the applicant.

2. **Form of Required Signs**
   Notice shall be posted on weather resistant signs in a form established by the Department.

(c) **Timing of Posted Notice**
For any application requiring posted notice, signs shall be posted no later than 48 hours after the application has been accepted by the Department. Applications will not be considered complete and will not be processed until the signed and notarized Posted Notice Affidavit has been received.

(d) **Location of Signs**
1. **Street Frontage**
   Signs shall be placed along each street, at maximum intervals of 400 feet for properties within the Urban Cluster and maximum intervals of 1,320 feet for properties outside of the Urban Cluster. They shall be set back a maximum of 5 feet from the property line so that the signs are visible from the street.

2. **Lack of Street Frontage**
   If the land does not have frontage on a street, at least one sign shall be placed on the property at the access point and additional signs shall be placed on the nearest public right-of-way with an indication of the location of the subject property.

3. **Installation**
   Signs shall be posted in a professional manner, able to withstand normal weather events.

(e) **Affidavit**
A notarized affidavit shall be submitted to the Department within 72 hours after the posting, certifying that the signs were posted in compliance with the standards of this Section. The Director may require submittal of photographs of all signs as part of the affidavit.

(f) **Maintenance**
The applicant shall ensure that the signs are maintained on the land until completion of the final action on the application.

(g) **Removal**
The applicant shall remove the sign within 10 days after final action on the application.
Article 5  Neighborhood Workshops

402.17  Neighborhood Workshop

(a)  Purpose
The purpose of a neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with development applications, and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the applicant to resolve any concerns at an early stage of the process. A neighborhood workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making. If an applicant fails to hold a required neighborhood meeting, the Department shall not accept that development application for review.

(b)  Public Notice
Public notice of a neighborhood workshop shall be provided as indicated below.

1.  Notice to Director
An applicant holding a neighborhood workshop shall coordinate with the Director prior to scheduling the workshop.

2.  Notice Required
a.  The applicant shall provide notification by mail according to Article 4, Notice of Hearings, of this Chapter. The Director shall provide a mailing list to the applicant. The applicant shall mail these notices with proper postage a minimum of 15 days before the workshop.

b.  The applicant shall publish notice of the workshop according to Article 4, Notice of Hearings, of this Chapter, in a newspaper of general circulation a minimum of 10 days before the workshop. The advertisement shall be a minimum of two columns wide and four inches long. The ad shall be titled “Public Notice,” with a description of the request, a location map and contact information.

3.  Postponed Workshops
New public notice consistent with Section above shall be provided for any rescheduled workshop.

402.18  General Requirements

(a)  Workshop Time and Location
The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.

(b)  Workshop Summary
The applicant shall submit to the Department, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a
copy of the workshop advertisement and a copy of the mailed notices sent to property owners.

(c) Workshop Elements

At the workshop, the applicant shall present the following, as applicable:

1. A general concept plan for the use of all included lands. Such plans shall indicate the general location of residential areas (including density and unit types), open space, active or resource-based recreation areas, natural areas (including wetlands and flood plains), and non-residential areas (including maximum square footage and maximum height).

2. A plan of vehicular, bicycle, and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks and access points to the external and internal thoroughfare network.

3. Drawings indicating the conceptual architectural theme or appearance and representative building types.
Article 6  Time Limitations for Development Orders

402.19 Development Orders Expire
Any development order, permit or other approval, other than a rezoning, shall expire in accordance with the terms of this ULDC.

402.20 Extension of Time Limit
An applicant may apply for an extension of a time limit, subject to the requirements of this Section.

(a)  Deadline for Application
An application for an extension of a time limit shall be filed a minimum of 60 days prior to the expiration of the time limit.

(b)  Additional Application Requirements
1.  Concurrency
   Unless concurrency approval is vested, an application shall demonstrate compliance with the concurrency management system as established in Chapter 407Article 12 of this ULDC.

2.  Demonstration of Good Faith Efforts
   An application shall include a demonstration of good faith efforts to comply with applicable time limits by including one or more of the following items, dependent upon the type of development order requested for extension:
   a.  all efforts to design a project, including engineering, architectural and similar plans;
   b.  the number and type of development permits that have been applied for, including all relevant federal, state, County or related permits;
   c.  the number and timeliness of any plats that have been recorded;
   d.  the number and timeliness of any prior phases that have been developed or implemented;
   e.  the completion or status of site development improvements including substantial and on-going site clearing, grading and the substantial and on-going construction of stormwater management facilities, if applicable;
   f.  any granting of rights-of-way, easements or similar public dedications;
   g.  compliance with applicable conditions of development approval;
   h.  execution of agreements for water or sewer services; and
   i.  such other information as may be required by the Director.

(c)  Review of Applications
The application for extension shall be deemed an amendment to the original approval and shall be subject to review at a public hearing by the body that granted the order, permit or approval.

(d)  Consistency
The application shall be consistent with the current Comprehensive Plan, ULDC, and other County requirements.
402.20.5 Permit Extensions Granted by Act of Legislature

From time to time, the Legislature of the State of Florida has and may adopt legislation that provides for extension of local government permits that would otherwise expire. Where the Legislature provides for such extensions of local government permits, the Growth Management Department shall provide for extension of local government permits in accordance with the specific terms of the legislation.
Article 7 Comprehensive Plan Amendment

402.21 Amendments Generally
The provisions of this Article shall govern all amendments to the Alachua County Comprehensive Plan.

402.22 Types of Comprehensive Plan Amendments
For the purposes of this ULDC, there shall be two types of Comprehensive Plan amendments: small scale plan amendments and large scale plan amendments.

402.23 Pre-application Conference
Prior to the submittal of an application for a Comprehensive Plan amendment, an applicant other than the County shall request and participate in a pre-application conference with the Department.

402.24 Neighborhood Workshop
An applicant shall hold a neighborhood workshop prior to submittal of an application for an amendment to the Future Land Use Map, in accordance with Article 5, Neighborhood Workshops, of this Chapter.

402.25 Public Notice Requirements
As indicated in Table 402.12.1 mailed, published and posted notice shall be required before the first public hearing on any application for a Comprehensive Plan amendment affecting a particular mapped area. Applications for an amendment to the text of the Comprehensive Plan require published notice only. All notice shall be prepared according to the procedures in Article 4, Notice of Hearings, of this Chapter.

402.26 Submittal of Applications
Applications for all Comprehensive Plan amendments shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter and the submittal schedule established by the Department.

402.27 Standards for Review
When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Chapter 163 Florida Statutes.

402.28 RESERVED

402.29 RESERVED

402.30 Review of Applications
(a) Local Planning Agency Review
The Planning Commission shall serve as the Local Planning Agency. The Local Planning Agency (LPA) shall review and consider all applications for amendments to the Comprehensive Plan in accordance with Chapter 163 Florida Statutes.

(b) Local Planning Agency Recommendation
The Local Planning Agency shall submit a recommendation, including the proposals’ consistency with the Comprehensive Plan, to the Board of County
Commissioners regarding each application, and may recommend that an application be:

1. approved;
2. approved subject to modifications; or
3. denied.

(c) Board of County Commissioners Review

1. Required Public Hearings for Large-Scale Amendments
   The Board of County Commissioners shall hold two public hearings, as provided below, to consider all large-scale Comprehensive Plan amendments.
   
a. Transmittal Public Hearing
      A public hearing shall be held prior to transmittal of all proposed Comprehensive Plan amendments to the state land planning agency for review.
      
i. The public hearing shall be held following receipt of recommendations from the Local Planning Agency.
      
ii. At the public hearing, the Board of County Commissioners may:
         (a) approve an application for transmittal;
         (b) approve an application for transmittal subject to modification;
         or
         (c) deny transmittal of an application.
   
b. Adoption Public Hearing for Large-Scale Amendments
      A public hearing shall be held within 180 days of receipt of state agency comments or the objections, recommendations and comments report on each proposed Comprehensive Plan amendment. At the public hearing, the Board of County Commissioners may take action to:
      
i. approve an amendment;
      
ii. approve an amendment subject to modification; or
      
iii. deny an amendment.

2. Adoption Public Hearing for Small-Scale Amendments
   An adoption public hearing shall be held following receipt of recommendations from the Local Planning Agency. No transmittal hearing is required for small-scale amendments. At the public hearing, the Board of County Commissioners may:
   
a. approve an amendment;
   
b. approve an amendment subject to modification; or
   
c. deny an amendment.
Article 8 Unified Land Development Code Text Amendments

402.31 Applicability
An application to amend the text of this ULDC shall comply with the requirements of this Article.

402.32 Initiation of a Text Amendment
A text amendment may be proposed by:
   (a) the Board of County Commissioners;
   (b) any department or other agency of the County; or
   (c) any resident or landowner in the County.

402.33 Application Requirements
An application for a text amendment shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.34 Required Notice
   (a) Published notice in accordance with the procedures outlined in Article 4, Notice of Hearings, of this Chapter is required prior to a public hearing on a text amendment.
   (b) In the case of any proposed text amendment which would have the effect of changing the actual list of permitted, limited, special or prohibited uses within a zoning district, the notice of the required hearings shall conform with Chapter 125, Section 125.66(4)(b), Florida Statutes, as well as with such additional requirements as may appear in Article 4, Notice of Hearings, of this Chapter.

402.35 Planning Commission Recommendation
   (a) The Planning Commission shall consider a proposed text amendment at the request of the Board of County Commissioners.
   (b) The Planning Commission shall review such proposed amendment, based upon the criteria listed below:
      1. the need and justification for the change;
      2. the consistency of the proposed amendment with the Comprehensive Plan; and
      3. whether the proposed change shall further the purposes of this ULDC and other County codes, regulations and actions designed to implement the Comprehensive Plan.
   (c) The Planning Commission shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Board of County Commissioners, indicating if the proposed amendment should be:
      1. approved as proposed;
      2. approved with amendments proposed by the Planning Commission; or
3. denied.

402.36 Hearing(s) by Board of County Commissioners
The decision to process a text amendment is within the sole discretion of the Board of County Commissioners, according to the following procedures.

(a) For Any Text Amendment
For any proposed text amendment, the Board of County Commissioners, sitting as the LDRC (Land Development Regulation Commission), shall hold a minimum of one public hearing before taking action on the amendment.

(b) For Text Amendment Affecting List of Uses
For any text amendment which would have the effect of changing the actual list of permitted, limited, special or prohibited uses within a zoning district, the Board shall hold a minimum of two hearings, conforming with the requirements of Chapter 125, Section 125.66(4)(b), Florida Statutes.

402.37 Action by Board of County Commissioners
Following the public hearings, the Board of County Commissioners shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes or deny the proposed amendment.
Article 9  Development Agreement

402.38  Applicability
The County has authority to enter Development Agreements pursuant to Chapter 163, Sections 163.3220 through 163.3243, Florida Statutes, as well as other agreements concerning development.
Article 10  Development Plan Review

402.39  Applicability
This Article shall apply to all development, development activity or other use requiring development plan review within the unincorporated area of Alachua County. No development shall be undertaken without prior approval and issuance of a final development order.

402.40  Pre-application Conference
Prior to the submittal of an application for preliminary development plan approval, an applicant is required to attend a pre-application conference with the Development Review Departments. Staff shall provide the applicant with information about the specific elements required for preliminary development plan application. Staff may also provide initial comments about specific items that must be addressed prior to submittal of the application, such as staff site visits, neighborhood workshops, etc. Specific requirements for the Pre-application Conference shall be determined by the Director of Growth Management.

402.41  Neighborhood Workshop
Prior to the submittal of a preliminary development plan application that is required to be considered by the Board of County Commissioners, an applicant shall hold an advertised neighborhood workshop in accordance with Article 5, Neighborhood Workshops, of this Chapter. A Neighborhood Workshop held as a requirement of a land use or zoning application may satisfy this requirement if, as determined by the Director, sufficient detail was presented at that time. Materials documenting the Neighborhood Workshop shall be submitted with an application for Preliminary Development Plan.

402.42  Public Notice Required
Posted notice in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter is required for all development plans to be heard by the Development Review Committee. Mailed and posted notice, in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter, is required for all development plans required to be considered by the Board of County Commissioners.

402.43  Development Plan Review Steps
(a) Preliminary Development Plan
The purpose of this stage is for the Development Review Committee and the applicant to determine the specific characteristics of a site that will influence its design. The Preliminary Development Plan shall detail regulated natural resources that exist on site, approximate access points, and location of utilities that will serve...
the site. Minimum Open Space areas and tree protection defined with the Preliminary Development Plan shall be utilized in the Final Development Plan.

1. The preliminary development plan shall be considered at a public hearing. When a preliminary development plan proposes development that meets or exceeds the thresholds listed in Table 402.44.1, the Board of County Commissioners shall hold the public hearing. The Development Review Committee shall hold the public hearing for all other preliminary development plans. The decision from either body may be for approval, approval with conditions or denial.

2. No preliminary development plan shall be approved unless a determination can be made that all required public facilities and/or Levels of Service will be adequate to support and service the area of the development, consistent with Chapter 407 Article 11. The applicant shall submit sufficient information and data on the development to demonstrate the necessary public services are adequate to address the impact created by the development and to demonstrate that the proposed development is consistent with the Comprehensive Plan.

3. An application for preliminary development plan review shall be submitted in accordance with Chapter 402, Article 2, Common Development Application Elements, of this Chapter. Detailed submittal requirements shall be provided in a form acceptable to the Director.

(b) Initial Design Plan
The Initial Design Plan stage is an administrative review opportunity for an applicant to ensure that initial stages of engineering design for a site are consistent with site design standards of the Unified Land Development Code. The Initial Design Plan is a non-binding document intended to inform the County about the specific location of improvements on a site and to receive comments. Initial Design Plan review is required for all developments meeting the thresholds established in §402.44, all developments within Activity Centers or Special Area Plans, and all sites containing Strategic Ecosystems. Initial Design Plan review is optional for all other developments.

(c) Final Development Plan
The purpose of this stage is for the Developer to present the fully engineered final development plan to the Development Review Committee for review. The Final Development Plan shall be consistent with the approved Preliminary Development Plan, other applicable provisions of the Unified Land Development Code, and the Comprehensive Plan. The Final Development Plan shall contain all items necessary to demonstrate compliance with the Unified Land Development Code and Comprehensive Plan.

1. The final development plan shall be considered by the Development Review Committee at a public hearing. The decision may be for approval, approval with conditions or denial. Conditions of approval shall be such that no changes that affect requirements of other portions of the Unified Land Development Code are necessary to remedy a solution.

2. No final development plan shall be approved unless a determination can be made that all required public facilities and/or Levels of Service will be
adequate to support and service the area of the development. This
determination shall be made consistent with Chapter 407 Article 12.

3. An application for final development plan review shall be submitted in
accordance with Chapter 402, Article 2, Common Development Application
Elements, of this Chapter. Detailed submittal requirements shall be provided
in a form acceptable to the Director.

402.44 Thresholds for Development Review
Any proposed development, except those that are part of an approved Planned Development,
Special Exception, or Special Use Permit, that meets or exceeds the thresholds established in Table
402.44.1 below, including expansions of existing development that cumulatively cause the
threshold to be met or exceeded, shall require preliminary development plan consideration and
action by the Board of County Commissioners. Projects classified as redevelopment under Chapter
407 Article 15 may exclude from the threshold calculation any existing square footage. Any
preliminary development plans submitted for review concurrently with a zoning application for a
Planned Development, Special Use Permit, or Special Exception shall require Board of County
Commissioners consideration and action, regardless of whether they are above the thresholds in
Table 402.44.1.

Table 402.44.1
Development Thresholds

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, Single Family</td>
<td>100 dwelling units</td>
</tr>
<tr>
<td>Residential, Multiple Family</td>
<td>150 dwelling units</td>
</tr>
<tr>
<td>Commercial/Office</td>
<td>50,000 sf of GFA</td>
</tr>
<tr>
<td>Institutional/Place of Worship/Civic Organizations/Recreation</td>
<td>25,000 sf of GFA</td>
</tr>
<tr>
<td>Industrial</td>
<td>100,000 sf of GFA</td>
</tr>
<tr>
<td>Mixed Use: Residential</td>
<td>80 dwelling units</td>
</tr>
<tr>
<td>Mixed Use: Commercial/Office</td>
<td>40,000 sf of GFA</td>
</tr>
<tr>
<td>Mixed Use: Industrial</td>
<td>80,000 sf of GFA</td>
</tr>
<tr>
<td>All Development Types</td>
<td>Extension of water-sewer service beyond the Urban Cluster Line</td>
</tr>
<tr>
<td>All Development Types</td>
<td>Adverse impact to wetlands</td>
</tr>
<tr>
<td>All Development Types</td>
<td>Proposed developed area of parcel contains Strategic Ecosystem</td>
</tr>
</tbody>
</table>

GFA = gross floor area

402.45 (RESERVED)
402.46 Development Plans to be Platted
Plat requirements are detailed in Article 12, Platting, of this Chapter. The proposed plat may be
submitted with the final development plan or after the final development plan has been approved.

402.47 Time Limitation for Expiration of Development Plans
In accordance with Article 6 of this Chapter, Development Plans shall expire. Expirations shall be
governed by the following provisions.
(a) Preliminary Development Plan
1. An approved preliminary development plan or phase of a preliminary development plan shall expire unless a complete application for final development plan approval has been accepted by the Department within 12 months of the date of preliminary development plan approval.

2. The reviewing body shall have the authority to approve a preliminary development plan for a Planned Development (PD), a Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), or an affordable housing development consistent with the time frames established in the phasing schedule of the approved PD, TND, TOD, or affordable housing project.

(b) Final Development Plan
An approved final development plan shall expire unless a complete application for a construction, building or other required permit has been accepted by the appropriate reviewing department within 12 months of the date of final approval and that such development is continuing in good faith.

(c) Extension of Expiration of Development Order
1. One extension, of up to one year, may be granted administratively contingent upon a finding by the Director of Growth Management that the approved final development plan or plat is consistent with all elements of the Comprehensive Plan and all of the ULDC in effect at the time of the application for the extension. Any such extension will be issued only if no imminent or existing public facility deficiencies exist at the time of the application for extension. A request for administrative extension of expiration shall be submitted in writing to the Department no less than 60 days prior to the expiration of the final development plan or plat.

2. All other extensions of expiration of development plans shall be governed as set forth in Article 6 of this Chapter.

402.48 Activities Requiring Administrative Development Plan Approval
Certain development permits or activities shall not require a development plan approval by the Development Review Committee or Board of County Commissioners. Applicants for these permits or activities may apply to the specific department(s) having authority to grant an administrative development approval. Application types requiring only an administrative approval are listed in §401.20(b),(c),(d).
Article 11  Interpretation of Regulations

402.49  Director Authorized to Interpret Code
Unless otherwise provided herein, the Director of Growth Management is authorized to interpret all provisions of this ULDC.

402.50  Formal Request for Interpretation
The Director shall render interpretations of this ULDC pursuant to this Article. Unless waived by the Director, all formal requests for an interpretation shall be submitted in writing to the Director.

402.51  Form of Response
(a)  Written Response
The interpretation shall be provided in writing to the applicant.

(b)  Notice to Property Owner
If the individual requesting an interpretation is not the property owner, the interpretation shall also be mailed to the property owner within seven working days after the Director issues the written response.

402.52  Official Record
The Department shall maintain an official record of all formal interpretations.
Article 12  Platting

402.53  Applicability and General Provisions

(a)  Applicability
Platting and subdivision of land, including final plats, re-plats, plat vacation, plat abandonment, plat revocation and plat modification or suspension, shall comply with the requirements of this Article and Section 20, Chapter 85-55, Laws of Florida, regarding vacation of plats. All proposed plats shall comply with Chapter 177, Florida Statutes, and any other applicable statutes and Chapter 407, Article 8, (Subdivision Regulations), regarding the platting of land. For the purposes of this Article, the term plat or platting shall include subdivision of land, re-platting of land, and vacation or abandonment of all or a portion of an approved plat.

(b)  Consistency with Comprehensive Plan
All proposed plats shall be consistent with the Comprehensive Plan and shall comply with all applicable standards and requirements of this ULDC.

(c)  Consistency with Development Approval
1.  Compliance with Development Approvals
Plats shall comply with all development approvals, including any conditions, restrictions or other limitations included in such approval, that are granted by the Board of County Commissioners, the Development Review Committee, or any other board, body, officer or County employee possessing authority to approve a development application.

2.  Plat Approval Required
No development order, development permit, building permit, tree clearing permit or construction permit or other similar permit may be issued until a plat has been approved by the Board of County Commissioners. No building permit may be issued for any newly created lot until the plat is recorded with the Clerk of the Circuit Court of Alachua County.

402.54  Application Requirements
An application for a plat approval shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.55  Public Notice Requirements
Published notice in accordance with §402.15 and posted notice in accordance with §402.16 shall be required before the public hearing on any application for plat approval.

402.56  Platting Required
Platting is required for development of detached and attached single family lots or the reconfiguration of previously recorded platted lots.

402.57  Platting Optional
Platting is optional for new multifamily and nonresidential developments. Multifamily and nonresidential developments previously recorded as platted lots shall be required to be re-platted when such lots are reconfigured.
402.58 Plat Review by Development Review Committee
The Development Review Committee shall review proposed plats during final development plan review. Once the Development Review Committee determines a proposed plat to be complete, they shall prepare a recommendation for action by the Board of County Commissioners.

402.59 Action by Board of County Commissioners
The Board of County Commissioners has the authority to approve, approve with changes, or deny the proposed plat.

402.60 Filing of a Plat approved by the Board of County Commissioners
(a) Once the plat has been approved by the Board of County Commissioners the plat document must be submitted for signature, along with all necessary supporting documentation including surety for 110 percent of the contract amount; itemized construction contract for the paving, grading and drainage; off-site easements and rights-of-way; supporting survey documentation; E-911 addresses assigned by Alachua County Enhanced E-911 Office and a title opinion dated within 30 days of the date of submittal to obtain the signature of County officials.

(b) The developer shall file the plat, bearing the signatures of all applicable County representatives, for recording with the Clerk of the Circuit Court of Alachua County no later than two years from the date of final plat approval by the County Commission. If a plat is not recorded by the developer within the specified time frame, such plat approval shall be deemed expired and the plat must be resubmitted for final plat approval by the Board of County Commissioners. The developer shall be responsible for all recording costs.

402.61 Expiration
Approval of a plat shall expire without further action of the Board of County Commissioners unless the plat has been recorded within one year of the date of Board approval of the plat. In order to avoid expiration, all plat documents outlined in § 402.60(a) above must be complete and accepted by the County to obtain the signatures of County officials at least 30 days prior to the one-year expiration date.

402.62 Appeal
A decision on a plat may be appealed in accordance with this ULDC, regardless of whether improvements have been installed or the plat recorded. The time limit for filing an appeal shall run from the date of approval of the plat and not be affected by the recording date or other subsequent actions.

402.63 Plat Vacations
Any application to vacate all or part of a plat shall comply with the requirements of this Section.

(a) Application Requirements
An application for a plat vacation shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter. An applicant must also provide the information listed below:

1. Proof of fee simple title to the whole or that part of the tract covered by the plat sought to be vacated.

2. A certificate, acceptable to the Director, showing that all state and county taxes have been paid.
3. If a portion of a platted subdivision lies within the corporate limits of any incorporated municipality within Alachua County, the applicant shall furnish a certified copy of the resolution previously approved by the municipal governing body that indicates the approval of the proposed plat vacation, or part thereof.

(b) Review

1. An application shall be reviewed by the County Staff.
2. Once County Staff determines an application for plat vacation to be complete, it shall prepare a recommendation for action by the Board of County Commissioners.

402.64 Action by Board of County Commissioners

(a) Approval of Vacation of Plat

If the Board determines at a Public Hearing that vacating the plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or adjacent properties, it may adopt the appropriate resolution vacating all or a portion of the plat.

(b) Exception for State Roads

Any plat vacation approved by the Board of County Commissioners shall not apply to any state roads lying within said plat.

402.65 County-Initiated Plat Vacations

(a) Vacation of an Existing Plat

The Board of County Commissioners may initiate a proceeding to order the vacation and reversion to acreage of all or part of a subdivision within its jurisdiction if capital improvements have not been properly installed, including the vacation of streets or other parcels of land dedicated for public purposes.
(b) Revocation, Modification or Suspension of an Existing Plat

1. Plat Revocation, Modification or Suspension

   The Board of County Commissioners may initiate a proceeding to order a revocation, modification, or suspension of an existing plat, when:
   
   a. the plat was legally recorded not less than 20 years before the date of such action; and
   
   b. not more than 10 percent of the total subdivision area to be vacated has been sold as lots.

2. Basis for Revocation, Modification or Suspension

   The Board of County Commissioners action shall be based upon findings that vacation and reversion to acreage will:
   
   a. conform to and be consistent with the Comprehensive Plan; and
   
   b. promote the public health, safety, and welfare.

(c) Action to Vacate, Revoke, Modify or Suspend a Plat

1. Board of County Commissioners Approval Required

   Any action to vacate, revoke, modify or suspend an approved plat is subject to approval by the Board of County Commissioners at a public hearing for which public notice has been provided.

2. Public Notice

   Mailed and published public notice of proposed action to vacate, revoke, modify or suspend an approved plat shall comply with the requirements of Article 4, Notice of Hearings, of this Chapter.

3. Adoption of Resolution Required

   In the event a vacation, revocation, modification or suspension is ordered, a resolution shall be adopted, setting forth the Board’s findings and action.

4. Publishing of Resolution

   The adopted resolution shall be published one time in a newspaper of general circulation, within 30 days following the adoption.

5. Execution of Deed

   a. The Chair of the Board of County Commissioners is hereby authorized to execute a deed, approved by the County Attorney, deeding the vacated plat, or part thereof, to the appropriate parties.

   b. The adopted resolution and County Deed shall be recorded in the public records along with proof of publication of the notice of public hearing, and the proof of publication of the adopted resolution, and a transfer of interest form.

   c. The County will pay for the documentary stamps and any other costs associated with the recording.

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Article 12. Platting

402.67 Prohibited Action
Action by the Board of County Commissioners to vacate, revoke, modify or suspend an existing plat shall not have the result of depriving an owner of any parcel of land in the subdivision or adjacent property owner of reasonable access to such parcel nor of reasonable access to existing facilities to which such parcel has theretofore had access.

402.68 Effect of Vacating Plat and Recording of Resolution
Every resolution of the Board of County Commissioners vacating a plat shall have the effect of vacating all streets and alleys within the portion of the plat vacated that have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of the adopted resolution has been recorded in the public records.
Article 13 Rezoning

402.69 Applicability
The provisions of this Article shall apply to all amendments to the Official Zoning Map of Alachua County. Additional requirements for rezoning to a Planned Development district are found in Article 14 of this Chapter.

402.70 Initiation of Rezoning
An application for rezoning may be initiated by either of the following:

(a) the Board of County Commissioners; or
(b) any other person or agent with authority to file an application, as provided in §402.06, Authority to File Applications.

402.71 Pre-application Conference
Prior to the submittal of an application for a rezoning, the applicant shall request and participate in a pre-application conference with the Department.

402.72 Neighborhood Workshop
A neighborhood workshop shall be held in accordance with Article 5, Neighborhood Workshops, of this Chapter. All required neighborhood workshops shall be held prior to the submittal of a rezoning application. The following types of rezoning applications are required to hold a neighborhood workshop:

(a) all rezoning applications to the Planned Development zoning district,
(b) all rezoning applications to non-residential zoning districts;
(c) all rezoning applications to residential zoning districts that result in an increase of more than two potential dwelling units on the property.

402.73 Required Public Notice
Mailed notice, published notice and posted notice shall be required before the first public hearing on any application for rezoning in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

402.74 Application Requirements
An application for a rezoning shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.75 Review by the Planning Commission
(a) Consideration by Planning Commission
All rezoning applications shall be considered by the Planning Commission at a public hearing, prior to public hearing or action by the Board of County Commissioners.
(b) Standards and Criteria

The Planning Commission shall review and make a recommendation on the proposed rezoning based on the standards in §402.77.

(c) Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed rezoning should be:

1. approved;
2. approved with conditions, where conditions may be attached to the proposed rezoning;
3. approved a rezoning to a zoning district other than the district requested by the applicant, that is consistent with the land use designation; or
4. denied.

402.76 Action by the Board of County Commissioners

(a) Public Hearing

The Board of County Commissioners shall hold a minimum of one public hearing conforming with the requirements of §125.66(4)(b) to consider the proposed rezoning after receiving a recommendation from the Planning Commission.

(b) Action by Board of County Commissioners

Following the public hearing, the Board of County Commissioners may take one of the following actions:

1. approve;
2. approve with conditions, where conditions may be attached to the proposed rezoning;
3. approve to rezone to a zoning district other than the district requested by the applicant, that is consistent with the land use designation; or
4. deny.

402.77 Review Criteria and Standards for Rezoning Applications

When considering any application for rezoning, the standards and criteria listed below shall apply.

(a) Consistency

The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

(b) Compatibility

The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

(c) Development Patterns

The proposed rezoning shall result in logical and orderly development patterns.

(d) Suitability

The affected property is suitable for the uses that are permitted by the proposed zoning districts.
(e) Adequate Public Services
The proposed rezoning is consistent with the adequate public facilities requirements of Article 11, Chapter 407 of this ULDC.

(f) Access
Available ingress and egress is adequate for potential uses in the proposed zoning district.

(g) Public Health, Safety, and Welfare
The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

402.78 Limitations on Rezoning Applications
If the Board of County Commissioners denies an application for the rezoning of property, the applicant shall not resubmit an application to rezone any part or all of the same property to the same or any more intensive category for a period of 12 months from the date the initial application for rezoning is denied.

402.79 Conditions for Approval
The Board of County Commissioners may, when considering development applications that include a request for rezoning to a planned development district, a special use permit, special exception or similar types of applications, include conditions or limitations as part of the development approval.
Article 14  Rezoning, Planned Development District

402.80  Processing
Applications for a rezoning for a planned development district (PD) shall be processed in accordance with Article 13, Rezoning, of this Chapter. An application for a planned development district rezoning may be submitted concurrently with an application for a preliminary development plan.

402.81  Pre-application Conference
Prior to the submittal of an application for a rezoning for a planned development district, the applicant shall request and participate in a pre-application conference with the Department.

402.82  Neighborhood Workshop
An applicant shall hold a neighborhood workshop prior to submittal of an application for rezoning to a planned development district in accordance with Article 5, Neighborhood Workshops, of this Chapter.

402.83  Required Public Notice
Prior to a public hearing on a rezoning, published, posted and mailed notice is required in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

402.84  Application Requirements
(a) Basic Application Requirements
An application for a rezoning to planned development district rezoning shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

(b) Additional Application Requirements
In addition, the application for a planned development shall include a proposed PD zoning master plan for the property. The required elements of a PD zoning master plan shall be established by the Director. The application shall also include materials sufficient to demonstrate compliance with §403.17 Planned Development (PD) District.

402.85  Action upon Rezoning and Zoning Master Plan Approval
Prior to submitting a preliminary development plan for an approved PD or any phase of an approved PD, the applicant shall submit a copy of the approved zoning master plan to the Department for signatures from the Development Review Departments. The zoning master plan shall contain all changes and conditions approved by the Board of County Commissioners.

402.86  Implementation of Zoning Master Plan
(a) Development Plan Required
An approved PD zoning master plan, including individual phases of such plan, shall be implemented through the development plan process in accordance with
Chapter 402. Development Application Review Procedures

Article 14. Rezoning, Planned Development District

Article 10, Development Plan Review, of this Chapter. A copy of the approved PD zoning master plan, signed by the Development Review Departments, shall be submitted with each application for development plan approval. Any development plan approval shall be consistent with the approved PD zoning master plan.

(b) Progress Report

With each application for development plan approval, the developer of a planned development shall submit a progress report to the review body. At a minimum, the progress report shall include the following information listed below.

1. Updated Zoning Master Plan

An updated zoning master plan for the entire development indicating the status of approvals, phasing schedule, undeveloped areas and within developed areas, the number, size, type and locations of all structures and improvements that have been installed or constructed.

2. Subsequent Developers or Owners

The names of any subsequent developers and owners of any increments, phases or portions of the planned development.

3. Failure to File or Update Progress Report

If the required progress report is not up to date or is not filed, additional development approvals shall not be granted.

402.87 Covenants, Grants, and Easements

(a) As part of the approval for any development plan, the plan shall include the substance and exact language of covenants, grants, easements or other restrictions to be imposed on the use of the land, buildings and structures pursuant to this ULDC, including proposed easements for public and private utilities.

(b) Prior to final approval of the development plan, the language of all covenants, grants, easements or other restrictions, including any required homeowners’ associations and deed restrictions, shall be approved by the County Attorney.

402.88 Other Restrictions

(a) Limit on Occupancy Permits

Occupancy permits exceeding 50 percent of the total number of approved dwelling units shall not be issued unless and until the homeowners’ association and all applicable and agreed-upon covenants or deed restrictions have become operational or are imposed to the satisfaction of the County Attorney.

(b) Development Plan Approval Requisite for Permits

Permits shall not be issued for any phase of a planned development, nor shall any public facility or improvement be constructed therein, until a development plan and/or plat has been approved for the planned development or phase of such development.

402.89 Revision of Planned Development District

(a) Minor Amendment to Planned Development District Approval

An amendment to an existing planned development shall be considered minor where it will not cause an expansion to the existing use or additional impacts to surrounding properties, natural resources, or public infrastructure. A minor
amendment to an existing planned development shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners.

(b) **Major Amendment to Planned Development District Approval**

Except as specified herein, all changes to an approved zoning master plan not determined to be a minor amendment shall be deemed a major amendment that requires a public hearing with the Planning Commission and approval by the Board of County Commissioners. Any proposed amendment that alters the character or purpose of the planned development district shall be deemed a major amendment.

(c) **Minor Changes to Planned Development District Approval**

A proposed change that would not affect the intent and purpose of the planned development may be deemed a minor change that may be approved by the Development Review Committee as listed below:

1. setbacks on single lots;
2. slight shifts in building orientation;
3. slight shifts in phase lines;
4. for lots located on the interior of the development, changes to lot sizes or dimensions;
5. Residential unit types on the interior portion of a PD may be shifted between phases provided the overall gross residential density is maintained;
6. creation of active recreation in common open space areas, not to include primary open space;
7. slight changes in alignment, location, direction or length of an interior street as a result of site engineering;
8. an increase in the number of exterior access points or the relocation of exterior access points where it can be shown that such a change furthers the intent of the Comprehensive Plan to provide for interconnectivity between developments;
9. additions of bicycle or pedestrian connections;
10. time table extensions of one year or less for a specific phase of development; or
11. other minor changes approved by the Growth Management Director.

(d) **Approved Zoning Master Plan Revisions**

Upon approval of any revisions, an applicant shall make the approved revisions to the zoning master plan and accompanying documentation and submit a copy to the Development Review Departments within 30 days of the approval date.

402.90 **Control of Planned Development Districts**

(a) **Control Following Completion**

After completion of all construction and improvements associated with a planned development district, the use of the land, including any modification or alteration of any buildings or structures within the planned development district shall continue to
be regulated in accordance with the approved zoning master plan, except as otherwise provided herein.

(b) Minor Modifications to Buildings or Structures

Minor extensions, alterations or modification of existing non-residential or mixed use buildings or structures may be permitted after review and approval by the Development Review Committee provided they are substantially consistent with the purposes of the development plan, and are not deemed a major change as provided in §402.89.

402.91 Previously Approved Planned Developments

(a) The DRC has the authority to approve, approve with conditions or deny a proposed development plan for Planned Developments that were approved without a phasing schedule or time frame provided the DRC determines that the unbuilt portion of the PD or PUD is consistent with the Comprehensive Plan.

(b) PDs or PUDs with a time frame that has expired or that were approved without a time frame and that are not consistent with the Comprehensive Plan and are not eligible for vesting, require either:

1. Review and approval of a revised PD by the County Commission; or
2. Rezoning to another zoning district.
Article 15  Activity Center Master Plans

402.92  Activity Center Master Plan
Where the County has determined that a Master Plan is the appropriate process to support redevelopment of existing Activity Centers, the Master Plan shall be developed and approved consistent with this Article. Master Plans shall ensure that development within activity centers is coordinated in such a way that promotes the creation of pedestrian-friendly compact centers that are economically viable, served by adequate public facilities, connected to a multi-modal transportation system and are integrated with surrounding and internal land uses.

402.93  Master Plan Application
(a)  Master Plan Elements
An activity center Master Plan shall provide for a specific plan of development for each activity center to implement the general activity center policies and existing activity center plans contained in the Comprehensive Plan’s Future Land Use Element, 2.0 Urban Activity Center Policies. The Master Plan shall, at a minimum, address the following considerations:

1. All of the requirements of Article 2, Common Development Application Elements, of this Chapter.
2. All of the requirements of Article 8, Unified Land Development Code Text Amendments, of this Chapter.
3. General arrangement and location of permitted land use types, including:
   a. A range of gross floor area and type of non-residential uses, and
   b. A range of the number and type of residential dwelling units.
4. General development standards for the Master Plan area including arrangement of buildings and streets, setbacks, building heights, lot coverage, floor area ratio, and building design.
5. Estimate of the required parking for the proposed land use types, general location of parking areas, and opportunities for shared parking if applicable.
6. Infrastructure planning, including identification of needs, means of financing, phasing, and opportunities for shared infrastructure for the Master Plan area.
7. Landscaping and buffering standards.
8. General location, dimensions, and type of stormwater facilities that will serve all land uses within the Master Plan area. Opportunities for shared stormwater facilities shall be identified at the Master Plan stage.
9. General standards for signage within the Master Plan area.
10. General location, dimensions, and type of conservation and open space areas that will serve all land uses within the Master Plan area. This shall include any opportunities for shared open space if applicable.
11. General location, dimensions, and type of civic use areas that will serve all land uses within the Master Plan area. This shall include any opportunities for shared civic use areas if applicable.
12. Traffic circulation plan for the Master Plan area including automobile, transit, bicycle, and pedestrian circulation. The traffic circulation plan shall provide...
for multi-modal connections throughout the activity center and into surrounding areas. The traffic circulation plan shall also provide for proposed access points to the activity center from the surrounding road network.

13. **Multi-modal Transportation Impact Analysis**

A multi-modal transportation analysis shall be prepared by a qualified traffic engineer. This analysis shall provide detailed information on the availability of facilities to accommodate multiple modes of transportation, including but not limited to, vehicle roadways, bicycle thoroughfares, pedestrian infrastructure, and transit service. For proposed retail establishments of 100,000 square feet GFA or more, the transportation study should include the effect the proposed retail establishment would have on average vehicle miles traveled.

14. **Infrastructure Plan**

An infrastructure plan shall provide a general analysis of the infrastructure needs for the Master Plan area at buildout conditions, and a phasing plan for any needed infrastructure improvements associated with development in the Master Plan area. Infrastructure shall include, but is not limited to multi-modal transportation facilities, stormwater management facilities, utilities, open space, and civic space. Mechanisms for implementing shared infrastructure shall be provided.

**(b) Processing of Applications**

1. **Notice to Property Owners**

Prior to development of an activity center Master Plan, the County shall notify all property owners within the Activity Center in writing of the intent to develop a Master Plan for the area, and shall be encouraged to participate in the planning process.

2. **Initiation of Master Plans**

   a. Master Plans shall be initiated by resolution of the Board of County Commissioners.

   b. Requests to initiate a Master Plan shall specify the following:

      i. the area to be covered by the Master Plan.

      ii. a list of all individual properties and current landowners within the Master Plan area.

      iii. general description of the proposed planning process that will be used to develop the Master Plan.

      iv. a scope of study that outlines the specific planning issues that will be addressed through the Master Planning process.

   c. Upon receiving a request to initiate a Master Plan by resolution, the Board of County Commissioners shall take one of the following actions:

      i. Approval,

      ii. Approval with modifications, or

      iii. Denial
3. **Neighborhood Workshop**
   Upon approval of a request to initiate a Master Plan, the County shall hold a neighborhood workshop prior to any public hearings on a Master Plan. The neighborhood workshop shall be conducted in accordance with Article 5, Neighborhood Workshops, of this Chapter. In addition, posted notice on the subject property shall be required.

4. **Public Hearings**
   An activity center Master Plan shall be adopted through public hearings, as amendments to this Land Development Code, in accordance with Article 8 of this Chapter, Unified Land Development Code Text Amendments.

(c) **Relationship of a Master Plan to the Comprehensive Plan**
   The Comprehensive Plan may require map or text amendments in connection with the adoption of an activity center Master Plan, in order to permit the land uses and development types provided in the Master Plan. Such amendments shall be processed in accordance with Article 7 of this Chapter.

(d) **Conflict with Underlying Zoning**
   Where the provisions of an adopted activity center Master Plan are in conflict with the provisions of the underlying zoning district, the provisions of any Master Plan adopted in accordance with this Article shall control.

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Article 16 Special Area Plans

402.96 Purpose
Special Area Plans are established as one mechanism to protect unique environmental, historic, or cultural resources within strategic ecosystems, significant habitat areas, and listed species habitat areas, or to address unique issues and circumstances that are not addressed through the generally applicable Comprehensive Plan policies and Unified Land Development Code. Special Area Plans may be utilized to enhance the livability of an area, protect the character of a neighborhood, provide amenities, plan for infrastructure and public facility needs, or facilitate joint planning with other jurisdictions. Special Area Planning is a collaborative planning process based on broad participation by members of the community.

402.97 Applicability
A Special Area Plan may be appropriate for the following areas and circumstances:

(a) Strategic ecosystems, as identified within the KBN/Golder Associates report, “Alachua County Ecological Inventory Project” (1996), and mapped generally on the KBN/Golder Ecological Inventory Map adopted in the Comprehensive Plan; except as provided in Article 5, Strategic Ecosystems, of Chapter 406.

(b) Areas specifically identified by the Board of County Commissioners as part of a community and neighborhood planning program effort to address specific needs and circumstances.

(c) Addressing unique issues and circumstances identified by residents or property owners of a particular geographic area, where such issues and circumstances are not otherwise addressed in the general Comprehensive Plan policies or Unified Land Development Code.

(d) Properties containing significant habitat areas or listed species habitat areas if required by Chapter 406, Article 3 and Article 4.

402.98 Special Area Planning Process
The Special Area Planning process shall be initiated by the Board of County Commissioners. Property owners, residents or community organizations may request that the Board of County Commissioners initiate a Special Area Plan for a particular geographic area in accordance with Section 402.99. The Special Area Planning process consists of the following basic components:

(a) A scope of work that defines the geographic extent of the study; the unique issues or circumstances to be addressed as part of the study; the existing conditions, infrastructure, and natural resources relevant to an analysis of these issues or circumstances; the potential outcomes of the planning process in terms of the kinds of actions that would be implemented to address the issues or circumstances that have been identified; and the public participation process for the development of the Study.

(b) A Special Area Study includes analysis of the existing conditions, infrastructure, and natural resources relevant to the issues or circumstances identified in the Scope of Work and recommendations for potential strategies or actions, such as Comprehensive Plan amendments, Unified Land Development Code amendments, capital improvement needs identification, or other initiatives by the County or through public/private partnerships to address the unique needs or circumstances identified in the Scope of Work.
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(c) A Special Area Plan that provides for implementation of the recommended strategies or actions identified as part of the Special Area Study.

402.99 Requests by Residents, Property Owners, or Community Organizations for the County to Initiate a Special Area Plan

Residents, property owners or community organizations that wish to request that the County initiate a Special Area Plan shall submit a letter to the Growth Management Department describing the reasons for requesting a Special Area Plan and identifying the geographic area for which the Special Area Plan is proposed. Upon receiving this request, Growth Management staff shall schedule a meeting with the requestors to discuss the purposes and procedures for Special Area Plans, the specific issues to be addressed, and the desired outcomes of the Special Area Planning process. The request shall then be forwarded to the County Commission by staff for direction regarding the preparation of a formal Scope of Work, in coordination with the interested persons, to be brought to the Board for consideration in accordance with §402.100(b).

402.100 Scope of Work Components and Procedures

A Scope of Work is the first step in the special area planning process, and should be a collaborative effort between the County, property owners, and the public. The components and procedures for a Scope of Work shall be in accordance with the following:

(a) Specific Elements of a Scope of Work

The scope of work shall specify the following information, where relevant to the specific issues or circumstances proposed to be addressed as part of the Special Area Study and Plan:

1. The geographic extent to be covered by the Special Area Plan. A Special Area Plan may be conducted for all or for portions of one or multiple adjacent strategic ecosystems, or for other areas of natural, cultural, community, or historic significance as specifically designated by the Board of County Commissioners. The defined area for study shall be sufficient to understand the nature of system values and function and relevant historic resources and infrastructure.

2. Basic information concerning all properties within and immediately abutting the strategic ecosystem(s) or other planning area, including the acreage, current uses and owners for each parcel.

3. Identification of the important ecological functions for the strategic ecosystem(s), or an inventory of the natural resources within other planning areas, based on available historical and digital map data, and other information sources.

4. For Strategic Ecosystem Special Area Plans, the type, extent, and schedule for ground-truthing to be conducted, identifying opportunities for verification of results by the County and affected owners within the strategic ecosystem(s).

5. Description of relevant infrastructure and public facilities that serve the planning area, including transportation facilities.

6. Detailed description of the planning process that will be used to develop the Special Area Plan. This shall include a description of the public participation requirements including community workshops and process for engaging stakeholders and the public in the development of the special area study and plan, and the format of the outcome to be provided in the Special Area Plan.
The specific planning issues that will be addressed through the Special Area Planning process and their relationship to county-wide comprehensive planning goals and/or the vision of the community or neighborhood.

For Strategic Ecosystem Special Area Plans, the minimum qualifications of the environmental professionals that will be participating in the study.

A work plan for development of the components to be completed as part of the Special Area Study, as required under §402.101.

(b) Consideration of Scope of Work by Board of County Commissioners

The proposed Scope of Work for a Special Area Study and Plan shall be presented to the Board of County Commissioners. Upon receiving the proposed Scope of Work, the Board of County Commissioners shall take one of the following actions:

1. Approval;
2. Approval with modifications; or
3. Denial.

Special Area Study

After the scope of work is approved, the Special Area Study shall be conducted in accordance with the approved scope of work. The Study shall include data and analysis relating to land use, natural resources, and infrastructure that will be a basis for the recommendations and strategies to address the issues or circumstances that are the focus of the study, as detailed in §402.101 (b) through (e).

This process shall be a collaborative effort between the County, property owners, and the public, and shall involve the following steps.

(a) Stakeholders Workshop

All property owners within the area defined by the scope of the Special Area Study, as well as other registered stakeholders, shall be notified in writing of the intent to conduct a study for the area, and shall be encouraged to participate in the process. As part of the development of the Special Area Study the County shall conduct a minimum of one stakeholders workshop in accordance with Article 4, Neighborhood Workshops, of this Chapter.

(b) Ground-Truthing of Site

Where relevant to the specific issues or circumstances identified as part of the Scope of Work, site-specific ground-truthing of natural resources shall be conducted to evaluate critical system functions and values in accordance with the requirements of the natural and historic resources assessment (see Chapter 406, §406.04). For Special Area Studies within strategic ecosystems, site-specific ground-truthing shall be conducted using the KBN/Golder report, background mapping and historical data, and other specific factors identified in Article 5 of Chapter 406, as a guide to develop a current scientific assessment of the systems involved. The location and extent of specific natural resources, as well as higher and lower valued portions of the strategic ecosystem(s), shall be delineated within the study area, and with respect to surrounding ecosystems. Those areas found not to contain strategic ecosystem resources shall be eligible for consideration for development as part of a development plan or Special Area Plan provided the ecological integrity of the strategic ecosystem as a whole will be sufficiently protected.
(c) **Public Infrastructure and Services**

The study shall identify potential access to public infrastructure and services, and issues and needs related to public infrastructure and services.

(d) **Land Use Analysis**

The study shall analyze the existing and future land uses within the study area. For strategic ecosystem Special Area Studies, the study participants shall identify one or more scenarios for the future uses of land within the area of study and identify the most appropriate locations for various types of land use, including as applicable, agriculture or silviculture activities, conservation areas, and development areas. Parcel ownership and management considerations shall be evaluated in order to develop a scenario that balances protection of the natural and historic resources with ownership interests and protection of private property rights.

(e) **Recommendations and Strategies**

The study shall include recommendations and strategies for follow-up action to address the specific issues or circumstances that have been analyzed as part of the study. Such recommendations and strategies may include, but are not limited to, proposed Comprehensive Plan amendments, proposed Unified Land Development Code amendments, proposed capital improvement needs identification, or other initiatives by the County or through public/private partnerships.

(f) **Presentation to Board of County Commissioners**

The draft Special Area Study shall be presented to the Board of County Commissioners. The Board shall consider whether to accept the study and whether to authorize any specific follow-up recommendations or strategies that have been identified as part of the study.

402.102 **Special Area Plan**

Once completed, the Special Area Study shall form the basis for a Special Area Plan. The Special Area Plan may include actions such as proposed Comprehensive Plan amendments, proposed Unified Land Development Code amendments, proposed capital improvement needs identification, or other initiatives by the County or through public/private partnerships that have been identified in the Special Area Study. The Special Area Plan may address topic areas such as land use, development standards, natural and historic resource protection, economic development and infrastructure planning. The Special Area Plan shall be consistent with the overall goals, objectives and policies of the Alachua County Comprehensive Plan.

402.103 **Adoption of Special Area Plans**

A Special Area Plan shall be adopted through public hearings, as amendments to this ULDC, in accordance with Article 8, Unified Land Development Code Text Amendments, of this Chapter. The Comprehensive Plan may require map or text amendments in connection with the adoption of a Special Area Plan, in order to permit the land uses and development types. Such amendments shall be processed in accordance with Article 7, Comprehensive Plan Amendment, of this Chapter. Once adopted, the Special Area Plan will govern all subsequent development requests within its boundaries.

402.104 **Implementation of Special Area Plans**

Development plan applications within established Special Area Plans shall be submitted and processed in accordance with Article 10 of this Chapter, Development Plan Review. If a Special
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Area Plan has been adopted that applies to the parcels proposed for development, the applicant shall be required to demonstrate compliance with the adopted Special Area Plan.
Article 17 Special Exceptions

402.105 Applicability
All development applications for special exception approval shall comply with the requirements of this Article.

402.106 Definition of Special Exception
(a) Definition
For the purposes of this ULDC, a special exception is defined as a use that would not be appropriate generally or without restrictions in a zoning district, but which, if controlled as to number, area, location, appearance, character or relation to the surrounding neighborhood and uses, would not adversely affect the public health, safety, or welfare.

(b) Limits or Restrictions on Special Exceptions
A special exception use may be permitted in a zoning district when listed in the Use Table, Article 2 of Chapter 404, subject to special conditions, limits or restrictions to ensure that the use is consistent with the Comprehensive Plan, this ULDC, and other requirements of the Alachua County Code.

(c) Exemption
Upon approval of a Special Exception by the Board of County Commissioners, the applicant may submit a development plan to the DRC for preliminary and final approval and is exempt from the requirements of Article 10, §402.44 requiring preliminary development plan approval by the Board of County Commissioners for those proposals meeting or exceeding the development thresholds.

402.107 Pre-application Conference
Prior to the submittal of an application for a special exception, the applicant shall request and participate in a pre-application conference with the Department.

402.108 Neighborhood Workshop
An applicant shall hold a neighborhood workshop prior to submittal of a special exception application in accordance with Article 5, Neighborhood Workshops, of this Chapter, except for minor amendments to existing special exceptions.

402.109 Application Requirements
An application for a special exception shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter. Applications for Preliminary Development Plan approval may be processed concurrently with applications for Special Exceptions. Applications submitted concurrently may have additional requirements for submittal.
402.110 Public Notice Requirements
Prior to a public hearing on a special exception, published, posted and mailed notice is required in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

402.111 Review by the Planning Commission
(a) Planning Commission Public Hearing
All development applications for special exception approval shall be considered by the Planning Commission at a public hearing, prior to a public hearing or action by the Board of County Commissioners.

(b) Consideration of Special Exception Applications
The Planning Commission shall consider a proposed special exception utilizing the criteria for approval listed in §402.113.

(c) Planning Commission Recommendation
A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special exception should be approved, approved with conditions or denied.

402.112 Action by the Board of County Commissioners
(a) Public Hearing
Upon receipt of the recommendations from the Planning Commission, the Board of County Commissioners shall hold a public hearing to consider a proposed special exception.

(b) Action by the Board of County Commissioners
Following the public hearing, the Board of County Commissioners may take one of the following actions:
1. approve the special exception application;
2. approve the special exception application with conditions and limitations; or
3. deny the special exception application.

402.113 Criteria for Approval
The Board of County Commissioners shall, as part of a decision to approve an application for special exception, make a finding that an application complies with both the general criteria and the review factors listed below.

(a) the proposed use is consistent with the Comprehensive Plan and ULDC;
(b) the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
(c) the proposed use shall not adversely affect the health, safety, and welfare of the public; and
(d) satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
1. ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
2. off-street parking and loading areas where required, with particular attention to item 1 above;
3. the noise, glare or odor effects of the special exception on surrounding properties;
4. refuse and service areas, with particular reference to location, screening and items 1 and 2;
5. utilities, with reference to location and availability;
6. screening and buffering with reference to type, dimensions and character;
7. signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
8. required yards and other open space;
9. general compatibility with surrounding properties; and
10. any special requirements set forth in this ULDC for the particular use involved.

402.114 Conditions and Safeguards
In granting any special exception, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with this ULDC. Failure to comply with the conditions adopted as part of a special exception shall constitute a violation punishable by the penalties and remedies outlined in Chapter 409 of this ULDC.

402.115 Minor and Major Amendments to Existing Special Exceptions
(a) Minor Amendments
An amendment to an existing special exception shall be considered minor where it will not cause an expansion to the existing use, or additional impacts to surrounding properties, natural resources, or public infrastructure. A minor amendment to an existing special exception shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners with notice as provided in Article 4 of this Chapter.

(b) Major Amendments
A major amendment to an existing special exception is any change that is not deemed to be a minor amendment in accordance with subsection (a) above. A major amendment to an existing special exception shall be reviewed in public hearings of the Planning Commission and the Board of County Commissioners with notice as provided in Article 4 of this Chapter.

402.115.5 Voluntary Termination
A property owner or the Board of County Commissioners may initiate the following process to terminate a Special Exception. Noncompliance with the conditions of a Special Exception or other provisions of this ULDC shall be governed by Article 2, Penalties and Remedies, of Chapter 409.

(a) Initiated by Property Owner
Where a property owner requests that the Board of County Commissioners terminate a Special Exception that applies to their property the request shall be submitted in writing to the Department of Growth Management and shall be accompanied by a fee sufficient to cover the cost of advertising, as required herein. The Department shall schedule the item for a public hearing by the Board of County Commissioners and provide mailed notification in accordance with Section 402.14 of this ULDC. The Department shall provide published notice in accordance with
Section 402.15 of this ULDC. The Board of County Commissioners may either approve or deny the request for termination.

(b) Initiated by County

Where the Board of County Commissioners chooses to request a termination of a Special Exception, the Department of Growth Management shall be responsible for processing the request. The Department shall provide mailed notification of the request to the property owner by certified mail. The property owner must submit written consent to the Department. If the property owner provides consent for terminating the Special Exception, the Department shall schedule the item for a public hearing by the Board of County Commissioners and provide mailed notification in accordance with Section 402.14 of this ULDC. The Department shall provide published notice in accordance with Section 402.15 of this ULDC and schedule the item for public hearing. The Board of County Commissioners may either approve or deny the request for termination.

402.116 Administrative Time Extensions

The Director may grant a one time extension, for a maximum of 90 days, if a complete and sufficient application for development plan review, in accordance with Article 3, Preliminary Procedures for all Applications, of this Chapter, has been submitted to the Development Review Committee a minimum of 60 days prior to the expiration of the time limit.
Article 18 Special Use Permits

402.117 Applicability
All development applications for a special use permit approval shall comply with the requirements of this Article.

402.118 Pre-application Conference
Prior to the submittal of an application for a special use permit, the applicant shall request and participate in a pre-application conference with the Department.

402.119 Neighborhood Workshop
An applicant shall hold a neighborhood workshop prior to submittal of a special use permit application in accordance with Article 5, Neighborhood Workshops, of this Chapter, except for minor amendments to existing special use permits.

402.120 Application Requirements
An application for a special use permit shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter. Applications for Preliminary Development Plan approval may be processed concurrently with applications for Special Use Permit. Applications submitted concurrently may have additional requirements for submittal.

402.121 Public Notice Requirements
Mailed notice, published notice and posted notice shall be required for any application for a special use permit in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

402.122 Review by the Planning Commission
   (a) Planning Commission Public Hearing
       All development applications for special use permits shall be considered by the Planning Commission at a public hearing, prior to a public hearing or action by the Board of County Commissioners.
   (b) Consideration of Special Use Permit Applications
       The Planning Commission shall consider a proposed special use permit utilizing the criteria for approval listed in §402.114.
   (c) Planning Commission Recommendation
       A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special use permit should be approved, approved with conditions or denied.

402.123 Action by the Board of County Commissioners
   (a) Public Hearing
       Upon receipt of the recommendation from the Planning Commission, the Board of County Commissioners shall hold a public hearing to consider a proposed special use permit.
   (b) Action by the Board of County Commissioners
       Following the public hearing, the Board of County Commissioners may take one of the following actions:
Chapter 402. Development Application Review Procedures

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1. approve the special use permit application;
2. approve the special use permit application with conditions and limitations; or
3. deny the special use permit application.

(c) Development Plan Approval Exemption

Upon approval of a Special Use Permit by the Board of County Commissioners, the applicant may submit a development plan to the DRC for preliminary and final approval and is exempt from the requirements of Article 10, §402.44 requiring preliminary development plan approval by the Board of County Commissioners for those proposals meeting or exceeding the development thresholds.

402.124 Criteria for Approval

The Board of County Commissioners shall, as part of a decision to approve an application for a special use permit, make a finding that an application complies with both the general criteria and the review factors listed below:

(a) the proposed use is consistent with the Comprehensive Plan and ULDC;
(b) the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
(c) the proposed use shall not adversely affect the health, safety, and welfare of the public; and
(d) satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
   1. ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
   2. off-street parking and loading areas where required, with particular attention to item 1 above;
   3. the noise, glare or odor effects of the special use permit on surrounding properties;
   4. refuse and service areas, with particular reference to location, screening and items 1 and 2 above;
   5. Utilities, with reference to location and availability;
   6. Screening and buffering with reference to type, dimensions and character;
   7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
   8. Required yards and other open space;
   9. General compatibility with surrounding properties; and
   10. Any special requirements set forth in this ULDC for the particular use involved.

402.125 Conditions and Safeguards

In granting any special use permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with this ULDC. Failure to comply with the conditions adopted as part of a special use permit shall constitute a violation punishable by the penalties and remedies outlined in Chapter 409 of this ULDC.
402.126 Minor and Major Amendments to Existing Special Use Permits

(a) Minor Amendments
An amendment to an existing special use permit shall be considered minor where it will not cause an expansion to the existing use, or additional impacts to surrounding properties, natural resources, or public infrastructure. A minor amendment to an existing special use permit shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners with notice as provided in Article 4 of this Chapter.

(b) Major Amendments
A major amendment to an existing special use permit is any change that is not deemed to be a minor amendment in accordance with subsection (a) above. A major amendment to an existing special use permit shall be reviewed in public hearings of the Planning Commission and the Board of County Commissioners in the same manner as a new application with notice as provided in this Chapter.

402.126.5 Voluntary Termination
A property owner or the Board of County Commissioners may initiate the following process to terminate a Special Use Permit. Noncompliance with the conditions of a Special Use Permit or other provisions of this ULDC shall be governed by Article 2, Penalties and Remedies, of Chapter 409.

(c) Initiated by Property Owner
Where a property owner requests that the Board of County Commissioners terminate a Special Use Permit that applies to their property the request shall be submitted in writing to the Department of Growth Management and shall be accompanied by a fee sufficient to cover the cost of advertising, as required herein. The Department shall schedule the item for a public hearing by the Board of County Commissioners and provide mailed notification in accordance with Section 402.14 of this ULDC. The Department shall provide published notice in accordance with Section 402.15 of this ULDC. The Board of County Commissioners may either approve or deny the request for termination.

(d) Initiated by County
Where the Board of County Commissioners chooses to request a termination of a Special Use Permit, the Department of Growth Management shall be responsible for processing the request. The Department shall provide mailed notification of the request to the property owner by certified mail. The property owner must submit written consent to the Department. If the property owner provides consent for terminating the Special Use Permit, the Department shall schedule the item for a public hearing by the Board of County Commissioners and provide mailed notification in accordance with Section 402.14 of this ULDC. The Department shall provide published notice in accordance with Section 402.15 of this ULDC and schedule the item for public hearing. The Board of County Commissioners may either approve or deny the request for termination.

402.127 Administrative Time Extensions
The Director may grant a one time extension, for a maximum of 90 days, if a complete and sufficient application, in accordance with Article 3, Preliminary Procedures for all Applications, of this Chapter, has been submitted a minimum of 60 days prior to the expiration of the time limit.
Article 19  Traditional Neighborhood and Transit Oriented Development Applications

402.128  Applicability

(a) Development

The requirements of this Section shall apply to all development applications for approval of Traditional Neighborhood Development [TND] or Transit Oriented Development [TOD], as established in the Comprehensive Plan and this ULDC.

402.129  RESERVED

402.130  Development Review of TND and TOD Applications

(a) Pre-Application Conference

Prior to the submittal of an application for a TND or TOD, the applicant shall request a pre-application conference with the Department.

(b) Procedures for Review

An application for approval of a TND or a TOD shall be reviewed as a development plan as set forth in Article 10. The reviewing body may approve a preliminary development plan with a phasing schedule for TNDs or TODs allowing for implementation over a time period up to 10 years. TODs may establish a longer phasing schedule as agreed upon between the County and the Developer as part of a binding development agreement.

(c) Preliminary Development Plan

An application for Preliminary Development Plan review for a TND or TOD shall be submitted in accordance with Chapter 402, Article 10, Development Plan Review, of this chapter. As part of the preliminary development plan submittal, a Master Plan shall be submitted for the entire development that includes the following:

1. Conceptual location of the Village Center, Transit Supportive Area and Residential areas;
2. Detailed phasing schedule, including timing and location of proposed development and infrastructure, in accordance with (d) below;
3. Conceptual block pattern for the development, including locations for future connections to adjacent properties;
4. Location of multi-use paths with interconnections to adjacent paths;
5. Conceptual street types and typical section details for all roadways within the TND/TOD as they relate to Table 407.68.4 of this ULDC; and
6. The maintenance entity for all proposed roads within the TND/TOD shall be identified.

(d) Phasing

1. TNDs and TODs with:
   a. Less than 250 dwelling units or 150,000 square feet of non-residential use may be approved with one phase.
b. Between 250 and 500 dwelling units or 150,000 and 300,000 square feet of non-residential use shall be approved with two phases.

c. Between 501 and 3,000 dwelling units or 300,001 and 1,500,000 square feet of non-residential uses shall be approved with three phases.

d. Projects with greater than 3,000 dwelling units or 1,500,000 square feet of non-residential use shall be approved with four phases.

2. Each TND or TOD, approved with multiple phases, shall provide for phasing of development in phases that include no less than 20% and no more than 60% of the total residential and non-residential uses proposed for the entire development. The percentage of residential and non-residential shall be the same within each phase.

3. Each phase of a TND or TOD shall include a mix of residential and non-residential uses proportional to the total amount of residential and non-residential uses in the whole development.

4. Within each phase of development, Final Development Plans may be approved for portions of a phase. For the first phase of development, the difference between dwelling units and nonresidential square footage may not be greater than 75% of the approved development within the phase. For single phase developments and the additional phases of multi-phased developments, the difference between dwelling units and non-residential square footage may not be greater than 50% of the approved development within the phase. The percentages shall be based on final development plan approval within each phase. (For example, a development with 100 dwelling units and 10,000 square feet of non-residential uses in phase 1 may only receive final development plan approval for at least 2,500 square feet of non-residential uses.)

5. For multi-phase developments, the difference between dwelling units and non-residential square footage for the total approved development may not be greater than the following percentages in order to receive development plan approval in a subsequent phase:
   a. 30% to proceed to Phase 2
   b. 15% to proceed to Phase 3
   c. 5% to proceed to Phase 4

(e) Developer Agreement

Prior to approval of any Final Development Plan, the developer shall enter into a developer’s agreement with Alachua County to provide for any required transportation funding. If no funding is required, no developer’s agreement will be required.

(f) Minor Changes to Preliminary Development Plans

Where the Preliminary Development Plan for a TND or TOD has been approved by the Board of County Commissioners, the Development Review Committee may approve the following Minor Changes.

1. Reductions in number of units up to five percent provided the minimum density required by the Comprehensive Plan is still being met.
2. Reductions in the amount of non-residential square footage up to five percent provided the requirements of the Comprehensive Plan are still being met.

3. Slight changes in alignment, location, direction or length of an interior street as a result of site engineering.

4. Slight shifts in phase lines that do not affect the amount of development allowed within a phase.

5. An increase in the number of exterior access points or the relocation of exterior access points where it can be shown that such a change furthers the intent of the Comprehensive Plan to provide for interconnectivity between developments.

(g) Final Development Plan

1. Final Development Plans shall be submitted for each phase or unit of development consistent with the timeframes established in the phasing schedule.

2. Each Final Development Plan shall demonstrate consistency with the approved Preliminary Development Plan and shall include sufficient infrastructure to be consistent with applicable elements of the ULDC.

(h) Public Notice

Public notice of the review of development applications submitted in accordance with this Section shall comply with the requirements of Article 4, Notice of Hearings, of this Chapter.

(i) Neighborhood Workshops

Prior to the submittal of a TND or TOD for preliminary development plan review, an applicant shall hold an advertised neighborhood workshop in accordance with Article 5, Neighborhood Workshops, of this Chapter.
Article 20  Sector Plans

402.131  Applicability
This Article shall apply to all applications for Sector Plans as defined in s. 163.3245 F.S. Sector Plans, as provided for in s. 163.3245 F.S., are intended for substantial areas of at least 15,000 acres of one or more local government jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. Sector Plans are also intended to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale and to further the purposes of Chapter 163, Part II F.S. and Chapter 380, Part I F.S. This Article is intended to implement the Sector Plan within the context of the Alachua County Unified Land Development Code. The statute contains additional details that are relevant to the Sector Plan process and all Sector Plans shall be consistent with Florida Statute and this Article.

402.132  Sector Plan

(a) Scoping Meeting
1. Prior to preparation of a Sector Plan, an applicant shall notify the County of their intent to prepare a Sector Plan. The applicant shall provide the County a map showing the location of the area intended to be subject to the Sector Plan.

2. The County shall request that the North Central Florida Regional Planning Council (NCFRPC) schedule, notice and conduct a Scoping Meeting pursuant to s. 163.3245(2) F.S. to assist the state land planning agency, the County and the potential applicant in identification of relevant planning issues to be addressed and the data and resources available to assist in the preparation of the Sector Plan.

3. Pursuant to s. 163.3245(2) F.S., the NCFRPC will make written recommendations to the state land planning agency and any local governments with jurisdiction on the issues requested by the local governments. Once the County has received written recommendations from the NCFRPC the County shall provide the written recommendations to the potential applicant.

(b) Joint Planning Agreement
Where the planning area of a proposed Sector Plan is within the jurisdiction of Alachua County and one or more other local governments, the County may enter into a joint planning agreement with the other local governments pursuant to s. 163.3171 F.S. Any interlocal agreement shall include information detailing the geographic area subject to the Sector Plan, the planning issues to be emphasized, procedures for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, procedures for public participation, or other issues relevant to the local governments.

(c) Long-term Master Plan
1. An application for a Sector Plan shall require preparation of a Long-term Master Plan (LTMP) for the entire planning area pursuant to s. 163.3245(3)(a) F.S. The LTMP will be considered as a Comprehensive Plan Amendment and shall be processed in accordance with s. 163.3245(4) F.S. and Article 7, Comprehensive Plan Amendment, of this Chapter.
2. In addition to the other requirements of Chapter 163, Part II, F.S. and Article 7 of this Chapter, an application for a Long Term Master Plan shall include maps, illustrations, and policies supported by data and analysis addressing the requirements of s. 163.3245(3)(a) F.S. The application shall include an analysis of the issues and recommendations identified through the Scoping Meeting and consistency of the proposed LTMP with the adopted Alachua County Comprehensive Plan. The application shall identify proposed amendments to the adopted goals, objectives, policies, maps, or capital improvement plans that would be necessary for internal consistency of the LTMP with the Comprehensive Plan, including data and analysis to support the proposed amendments.

3. Pursuant to s. 163.3245(3)(a), a LTMP may be based upon a planning period longer than the generally applicable planning period of the Comprehensive Plan. The LTMP shall specify the projected population within the planning area during the chosen planning period. A phasing or staging schedule that allocates a portion of the County’s future growth to the planning area through the planning period may be included.

402.133 Master Development Approval
An applicant for a Long-term Master Plan may apply for Master Development Approval concurrently with or subsequent to the Long-term Master Plan pursuant to s. 163.3245(6). The Master Development Approval may be approved, approved with modifications, or denied by the Board of County Commissioners by resolution at a public hearing. The fees for processing an application for Master Development Approval shall be the hourly rate of those County Staff members reviewing the application and shall include any costs for advertising.

402.134 Detailed Specific Area Plan
(a) Implementation
All Detailed Specific Area Plans (DSAP) required to implement an approved Long-term Master Plan shall be processed as a Planned Development rezoning, as outlined in Article 14, Rezoning, Planned Development District, of this Chapter and §403.17. An application for a DSAP shall include conditions and commitments that provide for the items identified in s. 163.3245(3)(b) F.S. The application shall also include all applicable elements of Article 2, Common Development Application Elements, of this Chapter. An application for a DSAP may be submitted concurrently with an application for a Long-term Master Plan.

(b) Minimum Size
A DSAP shall include a minimum of 1,000 acres unless the DSAP furthers the purposes of Chapter 163 Part II F.S. and Chapter 380 Part I F.S. and is specifically provided for in the LTMP.

(c) Review
A DSAP implemented by a Planned Development shall be reviewed for consistency with s. 163.3245 F.S., the Comprehensive Plan, including the Long-term Master Plan, and this ULDC.

(d) Time Limitations and Phasing
Notwithstanding the provisions of Article 14, Rezoning, Planned Development District, of this Chapter and §403.17, a DSAP and the Planned Development may
include a phasing schedule for a planning period longer than the planning period of the Comprehensive Plan.

(e) **Rendition of DSAP**

After adoption of a DSAP Planned Development the County shall render the DSAP Planned Development Resolution to the state land planning agency, owners, and developer pursuant to s. 163.3245(3)(e) F.S. The DSAP shall not be effective until 45 days after rendition.

402.135 **RESERVED**
Article 21  Water or Sewer Extension outside the Urban Cluster Line

402.136  Applicability
Any request for extension of potable water or central sewer service outside the Urban Cluster Line established in the Comprehensive Plan shall comply with the requirements of this Article.

402.137  Consistency with Comprehensive Plan
Any extension of water and sewer service shall be consistent with all applicable portions of the Comprehensive Plan.

402.138  Compliance with Other Criteria and Standards
An application for extension of water and sewer service shall comply with all applicable federal, state or county criteria, standards and requirements regarding the extension of water and sewer service.

402.139  Water or Sewer Extension Outside the Urban Cluster Line
(a)  Action by Board of County Commissioners
Any request for extension of central sewer or potable water service outside the Urban Cluster Line shall be subject to approval by the Board of County Commissioners.

(b)  Criteria and Standards for Approval
Approval of such extensions shall be based on one or more of the following findings:

1. absence of such facilities would result in a threat to public health, safety or the environment; or
2. extension of such facilities is necessary to enhance the safe, effective, and efficient delivery of central potable water and sanitary sewer service within an existing urban service area; or
3. extension of such facilities would serve a purpose consistent with the Comprehensive Plan, such as the retention and expansion of existing business and industry or the attraction of new business and industry in accordance with the Economic Element, or the service of institutional or tourist/entertainment uses consistent with the Future Land Use Element; or

(c)  Water or Sewer Extensions Requiring a Comprehensive Plan Amendment
A request for extension of central water and sewer service may be approved if the extension does not meet one of the criteria in §402.139(b) above, but only where the extension of such facilities is needed as part of an expansion of public services to encourage development in a new area. Such extensions require identification, scheduling, and designation of funding for capital improvements to other public facilities needed to extend urban services, which shall be incorporated into the five-year capital improvement program of the Alachua County Capital Improvement Element. These requests for extensions shall be considered amendments to the Future Land Use map by extending the Urban Cluster boundary and designation of appropriate land use designations within the new boundary. Review and approval of these Comprehensive Plan Amendments shall be based upon the following factors:

1. population growth rate;
2. maintenance of level of service standards for the potable water or sanitary sewer system; and
3. adequacy of existing and planned supporting infrastructure.
Article 22  Building Permits

402.140  General Provisions
(a)  Consistency and Compliance
All building permits shall be consistent with and comply with the following:
1.  the Comprehensive Plan;
2.  this ULDC;
3.  all applicable provisions of the Florida Building Code, as may be amended; and
4.  all other applicable federal, state and County laws, codes and requirements.
(b)  Improvement of Property Prior to Issuance of a Building Permit
When a building permit is required, site work, site clearing, grading, improvement of property or construction of any type shall not be commenced prior to the issuance of the permit.
Article 23  Family Homestead Exceptions

402.141  Applicability
A Family Homestead Exception may be granted in accordance with the provisions of this Article on a parcel designated on the Comprehensive Plan’s Future Land Use Map as Rural/Agriculture without meeting the density and intensity standards of the land use designation. A family homestead exception shall be used solely as a homestead by an immediate family member of the person who conveyed the property. Once a family homestead exception is granted, the division of land may then occur in accordance with the requirements of Article 8, Subdivision Regulations, of Chapter 407 of this ULDC.

402.142  Application Requirements

(a) Application
An application for a family homestead exception approval shall be submitted in accordance with Article 3, Preliminary Procedures for all Applications, of this Chapter.

(b) Documentation
Documentation shall be provided, as listed below:

1. Legal Lot of Record
   Documentation that the parcel for which a family homestead exception is requested is being created from a legal lot of record as defined in this ULDC. In addition, the legal lot of record shall not be a platted lot or a non-conforming lot or a lot previously created as part of a Subdivision with unpaved roads in the Rural Agricultural Area or created by variance through the Board of Adjustment or Board of County Commissioners, unless the variance was approved prior to October 2, 1991.

2. Location
   Documentation that the parcel for which a Family Homestead Exception is requested is designated on the Comprehensive Plan’s Future Land Use Map as Rural/Agriculture.

3. Immediate Family Member
   a. Each application for family homestead exception shall be accompanied by personal identification and proof of relationship, to establish the required immediate family member status, of both the property owner and the immediate family member. The personal identification shall consist of original documents or notarized copies from public records. Such documents may include birth certificates, adoption records, marriage certificates, and other public records.
   b. To qualify as an immediate family member, an individual who will use the property as a homestead must be one of the following: a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the property owner.

4. Ownership
   Proof of ownership verifying that:
a. The subject property, a portion of which is proposed for use as a homestead by an immediate family member, has been in fee simple ownership, by an immediate family member, for a minimum of five years.

b. The intended owner of the land (under a contract, will or other documented conveyance or estate) is an immediate family member of the person from whom the parcel is conveyed, devised, or transferred; and the person from whom the parcel is conveyed, devised or transferred has owned the property for a minimum of five years.

5. Affidavit of Homestead Exception Use

As part of the application for a family homestead exception, the immediate family member shall provide an affidavit stating that the family homestead lot is being created for use solely as a homestead by the immediate family member, that the family member shall occupy the residence for at least 5 years from the date a certificate of occupancy is issued for the residence, and acknowledging that the homestead shall not be transferable within that five year period unless a determination is made by the County that the criteria found in §402.143(d) for permitting such a transfer have been met.

(c) Jurisdiction for Family Homestead Exception Applications

1. The Director

The Director has the authority to approve, approve with conditions, or deny an application to create one or more family homestead exception lots from a parent parcel in accordance with the provisions of this Article provided all of the following requirements are met:

a. the residual parcel will be at least five acres in size for property designated Rural/Agriculture on the Future Land Use Map of Alachua County;

b. all lots have frontage on an existing publicly maintained road, provide joint driveway access to the public road or have obtained an exception from the Public Works Department allowing the lots to provide access to a private easement road with direct connection to a public road in accordance with the requirements of Section 401.20(d)10.

c. all parcels are consistent with all other requirements of this ULDC.

d. all parcels have buildable area outside the limits of any conservation areas including wetland and/or flood-prone areas and do not require access through these conservation areas.

(d) Development Standards

1. Minimum Property Size

The parent tract or parcel from which a Family Homestead Exception lot is being requested must be a minimum of 2 acres.

2. Minimum Family Homestead Exception Lot Size

The lot for which a family homestead exception is requested shall comply with the minimum lot area and dimensional requirements listed in Table 402.142.1 below.
### Table 402.142.1
Minimum Lot and Setback Requirements

<table>
<thead>
<tr>
<th>Standard</th>
<th>Minimum Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Building</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>1 Acre (43,560 square feet)</td>
</tr>
<tr>
<td>Minimum Lot Width at front building line</td>
<td>110 feet</td>
</tr>
<tr>
<td>Minimum Lot Width at property line</td>
<td>125 feet</td>
</tr>
<tr>
<td>Minimum Lot Dept</td>
<td>125 feet</td>
</tr>
<tr>
<td>Minimum Yard Dimensions</td>
<td></td>
</tr>
<tr>
<td>Front, minimum</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear, minimum</td>
<td>30 feet</td>
</tr>
<tr>
<td>Interior side, minimum</td>
<td>12.5 feet</td>
</tr>
<tr>
<td>Street side, minimum</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Accessory Building</td>
<td></td>
</tr>
<tr>
<td>Front, minimum</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear lot line setback, minimum</td>
<td>7.5 feet</td>
</tr>
<tr>
<td>Side lot line setback, interior, minimum (ft.)</td>
<td>12.5 feet</td>
</tr>
<tr>
<td>Side lot line setback, street, minimum (ft.)</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

**Note and Additional Standards**

1. The minimum lot width shall not apply when the lot fronts on a curved street or the curved portion of a cul-de-sac street, provided that all other lot and setback requirements are met.
2. Lots fronting on public roads classified at collector or higher are required to have common access driveways approved by the Alachua County Public Works Department and have a minimum spacing of no less than 250 feet.

3. **Compliance with Other Requirements**
   The residual parcel and all parcels for which a family homestead exception is requested shall comply with these and all other applicable Comprehensive Plan policies and federal, state, regional, and county regulations.

4. **Compliance not a Basis for other Approvals**
   Demonstration of compliance with all the requirements for a family homestead exception shall not itself constitute a basis for the granting of a variance from any other applicable County regulation or requirement.

5. **Limit on Number of Family Homestead Exceptions**
   Only one family homestead exception may be granted per immediate family member. Once a family homestead exception lot is created, that family homestead parcel from which the homestead exception lot was created shall not be further split or subdivided under the provisions of this Article.
**402.143 Family Homestead Exception Certificate**

(a) **Issuance of Certificate**

If the Director, per §402.142(c), finds that an application complies with all of the requirements for a family homestead, then a family homestead exception certificate shall be issued.

(b) **Receiver of Certificate**

The family homestead exception certificate shall be issued in the name of the immediate family member identifying by legal description the property to be utilized.

(c) **Use of Certificate and Recording of Information**

The recipient of a family homestead exception shall record in the real property record the Family Homestead Exception Certificate and the affidavit required in §402.142(b)5. For those lots that are not required to be platted or to obtain development plan approval from the Development Review Committee, a legal description of the lots created by the exception must also be recorded. Proof that the required documents have been recorded must be submitted with any application for a building permit on a family homestead lot prior to approval by the County.

(d) **Transferability of Family Homestead**

The family homestead shall not be transferable except as follows:

1. to another individual meeting the definition of immediate family member in §402.142(b)3; or

2. to an individual not meeting the definition of immediate family member provided a residential structure has been constructed on the homestead lot and, due to circumstances beyond the control of the family member to whom the original certificate was issued such as divorce, death or job change resulting in unreasonable commuting distances, the family member is no longer able to occupy or retain ownership of the family homestead.
Article 24 Temporary Placement Permits

402.144 Application
An application for a temporary placement permit (TPP) shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.145 Temporary Placement of Manufactured or Mobile Homes
(a) Temporary Placement Permitted
A manufactured home, mobile home or recreational vehicle may be permitted on a limited basis by the issuance of a temporary placement permit (TPP) by the Department.

(b) Removal of Temporary Home
Unless otherwise provided in this Article, a manufactured home or a mobile home permitted by a TPP shall be removed from the site within 60 days after completion of the activity associated with the approved permit, or at the time of the expiration of the TPP, whichever is earlier. A recreational vehicle permitted by a TPP shall be removed at the expiration date of the temporary placement permit.

402.146 Types of Temporary Placement Permits
A TPP may be granted as indicated below.

(a) Emergency Residence
1. Emergency Residence Permitted
A TPP for a manufactured home or mobile home may be issued for the purposes of providing emergency residence on a site where the existing living unit has become uninhabitable due to fire, structural damage, adverse weather damage or other acts of God, while the damaged living unit is being repaired or a replacement living unit is being constructed.

2. Restrictions
   a. Effect of Common Ownership
      A TPP for emergency residence shall not be renewed, reissued or reassigned for a home on the same parcel or on lands under common ownership with the parcel for which the permit was originally approved.

   b. Maximum Period of Time
      A TPP shall not be issued for a period of time in excess of two years.

(b) Construction Residence
1. Temporary Residence Permitted
A TPP for a manufactured home, mobile home, or recreational vehicle (RV) may be issued for the purpose of providing a temporary construction residence for the owner of a site who is constructing or is acting as the contractor for the construction of a site built single-family dwelling or modular dwelling.

2. Restrictions
   a. Residency in Permanent Dwelling Unit
Chapter 402. Development Application Review Procedures
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The dwelling being constructed is intended to be the sole residence of the owner upon completion of the unit.

b. Building Permit Required
A TPP may be issued for a construction residence only after the issuance of a building permit for the construction of the conventionally built or modular single-family dwelling.

c. Validity of Temporary Placement Permit
A TPP shall remain in effect only as long as the building permit is valid.

d. Building Setbacks
The temporary construction residence shall comply with the setback requirements of the zoning district.

e. Effect of Common Ownership
A TPP shall not be renewed, reissued or reassigned for a home on the same parcel or on lands under common ownership with the parcel for which the building permit was originally approved.

(c) Construction and Sales and Leasing Office

1. Office, Sales and Leasing Permitted
A manufactured building meeting the requirements of the Florida Building Code may be utilized as a temporary construction office or a sales and leasing office on a construction site for which a building permit has been applied for.

2. Location
The location of such temporary offices shall be shown on the approved development plan. The building must be permitted through the building permit process. Where a construction or sales or leasing office is not shown on an approved development plan, an office may be approved through the building permit process where the location of the office can be shown to not interfere with construction of the site or impact natural resource protections. Such location shall require the approval of the Department of Growth Management, Department of Public Works, and Environmental Protection Department.

3. Restrictions

a. Single Family Dwelling
A TPP for an office of this nature shall not include a construction project which is limited to the building of only one single-family residential structure.

b. Use as a Living Quarters
A construction office shall not be used as a living unit.

c. Maximum Time Period
A TPP may be issued for a period not to exceed two years, and may be renewed by the Department as long as the project is under active
construction, development and sales or leasing. The temporary unit shall be removed within 90 days after construction is completed.

d. Accessibility
Leasing and Sales Offices must provide for accessibility as required by the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines.

(d) Declared Local State of Emergency

1. Residential. A Temporary Placement Permit for a recreational vehicle (RV) may be issued in any zoning district in the event of a declared local state of emergency for the purposes of providing an emergency residence where the existing living unit has been determined to be unsafe or uninhabitable by Alachua County, while the damaged living unit is being repaired or a replacement living unit is being constructed. Such use shall comply with all requirements of the Alachua County Health Department. A TPP may be issued for a period of six (6) months and extended in six (6) month increments subject to review and approval by the Alachua County Building Department. The Recreational Vehicle does not have to comply with zoning district setbacks.

2. Commercial. A TPP for an RV is permitted for a commercially zoned site and the business owner is authorized to conduct business while the business structure is being reconstructed, if the commercial building located on that site has been determined to be “unsafe” by Alachua County due to damage caused by the disaster leading to a declared local state of emergency. Such use shall comply with all requirements of the Alachua County Health Department. A TPP may be issued for a period of six (6) months and extended in six (6) month increments subject to review and approval by the Alachua County Building Department.
Article 25  Temporary Use Permits

402.147  Applicability
All temporary use permits shall comply with the standards of this Article. The issuance of a temporary use permit shall not be deemed to amend the Official Zoning Map or this ULDC.

402.148  Approval
Unless otherwise provided herein, the Director has the authority to approve a temporary use permit, including any conditions or restrictions placed on the proposed activities.

402.149  Location
A temporary use shall be located as provided below:

(a) properties possessing a nonresidential zoning district; or
(b) properties possessing an agricultural zoning district; or
(c) properties within residential zoning districts or residential portions of planned developments that are considered as public or institutional uses, such as schools, places of worship, public parks, or common areas; or
(d) properties in any zoning district where temporary filming or audio recording activities will be taking place in accordance with this Article.

402.150  Categories of Temporary Uses
A temporary use activity may include but is not limited to the following:

(a) special events;
(b) temporary sales;
(c) seasonal sales and events; and
(d) temporary filming or audio recording of still, live or motion picture productions for theatres, television entertainment, industrial use or internet content. Excluded from these permit requirements are any individuals filming or video taping for personal or family use only, employees of print or electronic news media when filming on-going news events, or students and faculty filming exclusively for educational purposes.

402.151  Duration of Permit
A temporary use permit for a special event or temporary sale shall not exceed 3 days. For seasonal sales or events or activities related to temporary filming or audio recording activities, a temporary use permit shall not exceed 45 days. Any request for a temporary use permit exceeding these time limits shall be approved at a public hearing of the Board of County Commissioners. Such a request shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners.

402.152  Number of Permits per Year
Not more than two temporary use permits for seasonal sales or motion picture production shall be issued for the same property in any calendar year. Temporary use permits for special events or temporary sales shall be issued no more than once every 60 days for the same property, not to exceed six per calendar year.
402.153 Application and Review

An application for temporary use approval shall be submitted in accordance with the provisions of Article 2 and Article 3 of this Chapter. The following additional items shall be required with applications for temporary uses.

(a) Statement of Use and Activities

A general statement of use including purpose of event, types of proposed activities, duration of use, hours of operation, anticipated attendance, security, and other information that may be required by the Director. For temporary filming or audio recording activities involving the use of county facilities the statement of use must also include equipment to be used, type of film production, product or service involved, a summary of the film content, number of people employed for the project, and the dollar amount to be spent on the project in the County. For purposes of this Section, county facilities include any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the County, including but not limited to county parks and recreation facilities.

(b) Development Plan

A general development plan for the temporary use, including property boundaries, access to the site, location of tents or other temporary structures, location of proposed activities, parking, signs, temporary lighting, utilities, generators and other mechanical equipment, and setbacks of all structures, equipment, and activities from adjacent properties.

(c) Sanitation and Public Health

Plans for sanitation and public health protection including temporary bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling, shall be approved by the Director and the Health Department, when applicable.

(d) Additional Requirements for Temporary Filming Involving Use of County Facilities

An application for temporary filming or audio recording activities involving the use of county facilities as defined in this Section shall include the following:

1. A statement in which the applicant agrees to assume all risk and be solely responsible for damage or injury to property or persons and hold harmless the county, its officers and employees from any and all claims, suits, losses, damages or injury; and

2. The applicant certifies that their employees, agents and film crew members shall abide by all conditions of the permit and all state and local laws, regulations and ordinances.

(e) Additional Information

Additional information and documentation as may be required by the Director, when applicable.

402.154 General Standards

Temporary uses shall comply with the standards listed below.
(a) **Signage**
Signage advertising a temporary use shall be limited to signs, flags or banners located within the property for which the permit is issued. These shall not exceed 16 square feet of surface area per sign.

(b) **Setbacks**
Temporary uses do not involve the construction or alteration of any permanent structure. The minimum setbacks for the zoning district and for the existing use of the property where a temporary use occurs shall apply to the temporary use. These setbacks shall apply to all tents and other temporary structures, uses, activities or equipment related to the temporary use.

(c) **Overnight Camping**
No overnight camping shall be permitted as part of the temporary use permit unless approved by the Board of County Commissioners. A request for overnight camping shall not require a Planning Commission Public hearing and shall only require one public hearing with the Board of County Commissioners.

(d) **Temporary Filming Involving Use of County Facilities**
In addition to meeting the other requirements of this Article, the Director must make a finding that the proposed filming or audio recording activity will:

1. not unduly impede governmental business or public access;
2. not conflict with previously scheduled activities; and
3. will not imperil public safety.

402.155 **Additional Standards**
The Director may place additional conditions or restrictions on a temporary use permit, including but not limited to the following:

(a) hours of operation;
(b) traffic control and access;
(c) lighting; and
(d) noise control.

402.156 **Surety and Insurance**

(a) **Surety**
The Director may require the operator of a temporary use to post a cash surety, or other form of security, to provide funds to cleanup or otherwise mitigate a site following such use. The amount of the surety shall be determined by the Director.

(b) **Insurance**
The Director may require the operator of a temporary use to provide evidence of a general liability policy with the County named as an additional insured, at an amount determined by the County Manager. The Director may require proof of any additional insurance.
Article 26 Variances

402.157 Applicability
As authorized under Chapter 401 of this ULDC, the Development Review Committee (DRC) may vary certain requirements of this ULDC, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical and result in a hardship in making reasonable use of the property.

402.158 Application Requirements
An application for a variance shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.159 Public Notice Requirements
Published notice and posted notice shall be required, according to the procedures in Article 4, Notice of Hearings, of this chapter, before the public hearing on any application for a variance.

402.160 Burden of Proof
The applicant seeking the variance shall have the burden of presenting evidence demonstrating that the request complies with each of the criteria for approval established in §402.162.

402.161 Action on Variance Requests
The DRC shall hold a public hearing on the proposed variance and has the authority to approve, approve with conditions or deny the variance.

402.162 Criteria for Approval
When considering an application for a variance, the DRC shall make a finding that the application complies or does not comply with each of the individual criteria of this Section.

(a) Public Interest
The granting of a variance shall not be contrary to the public interest.

(b) Special Conditions
1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.

(c) Literal Interpretation
Literal interpretation of the provisions of regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ULDC and would work unnecessary and undue hardship on the applicant.
(d) **Minimum Variance**
The variance, if granted, is the minimum variance that shall make possible the reasonable use of the land, building or structure.

(e) **Special Privilege Not Granted**
The variance shall not confer on the applicant any special privilege that is denied by this ULDC to other lands, buildings or structures in the same zoning district.

(f) **General Harmony**
The variance shall be in harmony with the purpose of this ULDC and the Comprehensive Plan, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

402.163 **Conditions and Safeguards**
In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards, including, but not limited to, reasonable time limits within which the action for which the requested variance shall be begun or completed.

402.164 **Power to Grant Variances**

(a) Provided the proposed variance is consistent with the Comprehensive Plan and all other Chapters of this ULDC, the DRC shall have the authority to grant variances from the following requirements contained in any zoning district, except the Planned Development (PD) zoning district:

1. the minimum yard/setback requirements, lot width or lot depth; and
2. the maximum height or building coverage.

402.165 **RESERVED**

402.166 **Limitations on Power to Grant Variances**

(a) **Use Variance Prohibited**
Variances may not be granted to permit a use that is not otherwise permitted by this ULDC.

(b) **Variances to Conditions of Development Approvals**
An amendment to a condition of approval granted by the Board of County Commissioners or the Development Review Committee shall be approved only by that body.

(c) **Use of Nonconforming Lands or Structures**
The nonconforming use of neighboring lands, structures or buildings in the same zoning district, and the permitted use of lands, structures or buildings in any other district, shall not be deemed grounds for the granting of a variance.
Article 27  Vested Rights

402.167  Purpose
(a) It is the specific purpose of this Article to implement the provisions relative to vested rights in Policy 7.1.15 of the Future Land Use Element and to provide for administrative procedures to ensure that nothing in the Comprehensive Plan or new land development regulations adopted to implement the plan:

1. Limits or modifies the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to F.S. ch. 380 or the rights of any person who has been issued a final development order and development has commenced and is continuing in good faith; or

2. Shall be construed as affecting validly existing vested rights that have been affirmatively demonstrated to meet the legal requirements of vested rights.

(b) However, it is also the express intent of Alachua County to fully apply the provisions of the Comprehensive Plan and land development regulations to development and property in the unincorporated areas of the County without violating legally vested rights.

402.168  Definitions
As used in this Article:

(a) Comprehensive Plan
The Alachua County Comprehensive Plan.

(b) Continuing in Good Faith
The final development order for a project has not expired, and no period of one year passes without the occurrence, on the land, of development activity which significantly moves the proposed development toward completion of construction. However, a one year lapse in development activity due to factors beyond the developer’s control shall not constitute a failure to continue in good faith.

(c) Development Order
Any order granting a building permit, construction permit, rezoning, subdivision approval, special use permit, special exception, variance, or any other official action by Alachua County having the effect of permitting the development of land.

(d) Substantial Construction
All required permits necessary to continue the development have been obtained; permitted clearing and grading has been completed on a significant portion of the development subject to a single final development order; and the actual construction of buildings or water and sewer lines, streets, or the stormwater management system has been completed on a significant portion of the development or is progressing in a manner that significantly moves the entire development toward completion of construction.

402.169  Statutory Vested Rights
In accordance with policy 7.1.15(a) of the Future Land Use Element of the Alachua County Comprehensive Plan, notwithstanding that all or some part of a development is inconsistent with the comprehensive plan or a new provision of the land development regulations that has been
adopted to implement the comprehensive plan, certain development determined to meet the requirements of this Section shall be vested pursuant to Florida Statutes. Such development may be completed despite the inconsistency of the development with the Comprehensive Plan or ULDC adopted to implement the Comprehensive Plan. Nothing in this Section shall be construed to create rights that otherwise do not exist, including authorization of any action that would pose an imminent peril to health, safety, or welfare, and any development covered by statutory vested rights as defined in this Section shall continue to be subject in all other respects to all laws, ordinances, rules, and regulations other than those based on the Comprehensive Plan or ULDC to implement the Plan with which it would be inconsistent if not covered by statutory vested rights. In addition, the development shall continue to be subject to all terms, conditions, requirements and restrictions contained in the development order that was the basis for the statutory vesting, and any substantial change, whether or not it is determined to be a substantial deviation requiring further development of regional impact review pursuant to F.S. § 380.06(f)/5, shall be required to be consistent with the Comprehensive Plan.

(a) Developments

1. Developments meeting the following requirements shall be deemed to have statutory vesting pursuant to this section:
   
   a. Developments of regional impact for which a development order has been approved pursuant to F.S. § 380.06 prior to the effective date of the Comprehensive Plan provision or implementing ULDC provision for which vesting is asserted, to the extent that the development is consistent with and authorized by the terms and conditions of the development of regional impact (DRI) development order and the DRI development order is valid and unexpired.
   
   b. Other developments, for which:
      
      i. A valid final development order in the form of a building permit, final development plan, subdivision plat, or final site plan, or phase thereof, or final development plan for a planned development or other development, or phase thereof, was issued as of the effective date of the Comprehensive Plan provision or implementing ULDC provision for which vesting is asserted;
      
      ii. The development order has not expired; and
      
      iii. Substantial construction in accordance with the development order has lawfully commenced within the time frames and expiration period specified in the development order, or within one year of issuance of the development order where no time frame or expiration is specified therein, and is continuing in good faith.

2. In all cases, where a final development order has been approved for only a phase of a larger proposed development, statutory vesting applies only to the phase or phases that have received final approval and for which construction has commenced in accordance with the criteria in this paragraph. Each statutory vesting determination also requires that all material requirements, conditions, limitations, and regulations of the development order have been met.
(b) Procedures for Implementation of Statutory Vested Rights

The procedures for implementation of statutory vested rights shall be as follows:

1. Any development that meets the requirements for statutory vested rights under paragraph (1) or (2) of subsection (a) of this Section shall not have a development order or permit to complete the development withheld on the grounds of inconsistency with the Comprehensive Plan or ULDC adopted to implement the Comprehensive Plan. The procedures for determination of whether such statutory vested rights apply are as follows:

   a. An applicant for such a development order or permit within a development the applicant believes is covered by statutory vested rights shall, submit to the Director of the Alachua County Department of Growth Management documentation demonstrating that the requirements for statutory vesting are met;

   b. If the Director verifies that the requirements for statutory vesting are met, then the development order or permit shall be issued consistent with the terms of this section. If the Director cannot verify that the requirements for statutory vesting under paragraph (1) or (2) of subsection (a) are met based on the documentation submitted, then the applicant shall be informed that the Director cannot confirm that statutory vested rights apply to the development and any development order or permit that is inconsistent with the ULDC or the Comprehensive Plan cannot be issued. The applicant shall also be informed that, if he or she disagrees with the Director's determination, the applicant may file an application for a statutory vested rights certificate in accordance with Section §402.169 of this Chapter.

402.170 Equitable Vested Rights

A person with a valid legal or equitable interest in land may request from Alachua County a determination of whether the person's right to complete a development on that land is vested pursuant to Policy 7.1.15(c) of the Future Land Use Element of the Comprehensive Plan, notwithstanding that all or some part of the development is inconsistent with a specified provision of the Comprehensive Plan or a new provision of ULDC that has been adopted to implement the Comprehensive Plan. It shall be the duty and responsibility of the person alleging equitable vested rights to demonstrate affirmatively the legal prerequisites of equitable vested rights based on the standards described in this Section. If the standards for equitable vested rights are determined to be met, then an equitable vested rights certificate shall be issued to confirm that the development may be completed despite the inconsistency of that development with the specified provision of Comprehensive Plan or ULDC adopted to implement the Comprehensive Plan. Nothing in this Section shall be construed to create rights that otherwise do not exist, including authorization of any action that would pose an imminent peril to the health and safety of the people of Alachua County, and any development for which an equitable vested rights certificate is issued shall continue to be subject in all other respects to laws, ordinances, rules, and regulations other than those covered by the equitable vesting certificate.

(a) In assessing whether the requirements for equitable vested rights have been met, the following factors and guidelines shall be considered:
1. Those factors identified in Florida case law addressing equitable estoppel or vested rights, including the essential elements that a person with sufficient legal or equitable interest in real property:
   a. Has relied in good faith;
   b. Upon some act or omission of the government; and
   c. Has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights to develop or continue to develop the property.

2. Statements made by county personnel without authority shall not support equitable vesting.

3. Omissions shall not support equitable vesting unless such omission was negligent or culpable and the county failed to act when it was under a legal duty to do so.

4. An act of the county upon which a person relied while such act was being contested in court or other hearing process shall not support equitable vesting.

5. Good faith reliance shall not include ignorance or unawareness of the law.

6. The following shall not be considered as a basis for equitable vested rights in and of themselves:
   a. expenditures for legal and other professional services that are not related to the design or construction of improvements;
   b. preexisting zoning contrary to the Comprehensive Plan;
   c. expenditures related to a rezoning action;
   d. taxes paid; and
   e. expenditures for initial acquisition of the land not made in good faith reliance upon the act or omission of the government that is the basis for equitable vested rights.

7. Failure to comply with the material time requirements or other terms of a development order or this Chapter shall be presumed to negate a claim that the owner acted in good faith upon some act or omission of the county or that the development has continued in good faith.

8. Expenditures or obligations shall be presumed not to have been made or incurred in good faith, unless rebutted by substantial competent evidence, if they were made or incurred:
   a. When a person misled the county; and
   b. When the act of the county on which a person is relying has been invalidated or has expired and the person knew or should have known of such invalidity or expiration.

9. Other factors that shall be considered include:
   a. Whether substantial construction in accordance with a valid final development order has occurred and is continuing in good faith; and
b. Whether the obligations and expenses incurred cannot be substantially utilized in a development that is consistent with the Comprehensive Plan or ULDC adopted to implement the Plan.

(b) Procedures for determination of equitable vested rights. The sole procedure for determining the existence of the equitable vested rights and obtaining an equitable vested rights certificate shall be as identified in §402.171.

### 402.171 Applications for Vested Rights Certificate

A person who believes he or she is entitled to a statutory vested rights certificate or an equitable vested rights certificate for a particular development may complete, execute and file an application for a vested rights certificate with the Director of the Department of Growth Management. The applicant shall simultaneously tender any application fees established by the Board for review of such applications.

(a) Application Filing Deadline

An application for determination of vested rights shall be filed within one year of the effective date of the Comprehensive Plan policies or ULDC for which vesting is asserted. As a further limitation, in the case of denial of a development order, or denial of a certificate of level of service compliance, when the denial is based on inconsistency with the Comprehensive Plan or the ULDC adopted to implement the plan, an application for determination of vested rights shall be filed within 21 days of the date of denial. The failure to file an application within the above time frames shall constitute an abandonment and waiver of any claim to statutory vested rights or equitable vested rights.

(b) Contents of Application

The application shall contain a sworn statement including information sufficient to enable a determination to be made whether the development is vested pursuant to either §402.169 or §402.170 of this Chapter. The applicant may submit any relevant supporting information, including development orders and permits, contracts, letters, appraisals, reports, inspection reports, or any other documents, dates and specific identification of development order or permit approvals, items or things upon which the application is based and a list of any development orders or permits denied on the grounds of inconsistency with the Comprehensive Plan or ULDC and the specific provision of the plan or regulation that was the basis for the denial. The Director may require the applicant to submit additional information to enable a determination to be made whether the development is vested. An incomplete or insufficient application shall be returned to the applicant for additional information. Until the proceedings to grant or deny the application are final (including the time during which judicial appeals are pending), the applicant shall have a continuing obligation to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances.

(c) Verification by and Continuing Obligation of Applicant

The applicant, or any agent or attorney for the applicant, shall verify the application in accordance with F.S. § 92.525(2), and sign a written declaration under penalty of perjury that he or she has read the application and relevant supporting information and that the facts stated in it are true to the best of his or her knowledge and belief. Until the proceedings to grant or deny the application are final (including the time
during which judicial appeals are pending), the applicant shall have a continuing obligation to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances.

(d) Report on Application

1. The Director or his or her designee shall review the application and any supporting or background information and shall consult with other county staff as he or she deems necessary or desirable including any county official who denied a development order or permit on the grounds of inconsistency with the Comprehensive Plan or ULDC to implement the plan, and the County Attorney, who shall provide counsel on issues of law. Within 45 days after receipt of a complete and sufficient application for a vested rights certificate, the Director shall either grant the certificate or transmit in writing to the applicant the reason or reasons for denial, including findings of fact and conclusions of law pertaining to the reason or reasons for denial. The certificate may be issued with conditions or limitations. The decision shall be mailed by U.S. mail, return receipt requested.

2. If the applicant is aggrieved by the action of the Director, he may notify the director in writing that he is appealing the Director's decision. The notification shall be delivered to the director no later than 30 days after the Director renders his or her decision on the application; otherwise, the applicant shall be deemed to have waived all rights to challenge the decision. (For purposes of this section, the term "renders" means the date of signature on the return receipt card accompanying the decision. However, in the event the certified mail is not accepted or is returned, the term "renders" means ten calendar days after the date the decision was signed by the Director.) The applicant shall also submit with the notification a list of the names and addresses of any witnesses whom the applicant shall present in support of the appeal and a summary of the testimony of each witness. Upon receipt by the Director of a timely notice of appeal, the appeal shall be assigned to a hearing officer, and a hearing on the appeal shall be held in accordance with the provisions of section 323.08 on a date no later than 90 days after receipt of the notice or at such other date as the hearing officer and parties may consent to. The Director shall file with the hearing officer the notice of appeal, information and a list of witnesses submitted by the applicant, any supporting or background information, and his or her written determination regarding the application. The applicant and the county shall equally share the cost of conducting the hearing, including the services of the hearing officer and legal stenographer.

3. Nothing in this Section or any other part of this Chapter prohibits the Director from reconsidering and reversing a denial of a statutory vested rights certificate or equitable vested rights certificate at any time prior to the start of the hearing before the hearing officer.

402.172 Vested Rights Certificate Binding on the Land

Any vested rights certificate issued pursuant to this Chapter shall inure to the benefit of and run with the land to which it applies, and is therefore transferable from owner to owner of the land subject to the certificate.
402.173  Limitation on Determination of Vested Rights

(a)  A determination of vested rights which grants an application for determination of vested rights shall expire and be null and void unless substantial construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan within two years after the date of issuance of the determination of vested rights or of the effective date of this section, whichever is later, and unless such substantial construction continues in good faith until project completion. Failure to obtain a building permit within two years after the issuance of the determination of vested rights under this Chapter shall render said vested rights to expire and become null and void.

(b)  If an applicant has failed to satisfy the above criteria or the deadlines or requirements incorporated in the vested rights determination, then the applicant may apply to the Director for a determination that it has in fact continued to develop in good faith since the date of the vested rights determination. Such subsequent determination will be limited solely to a consideration of applicant’s development activities and other matters occurring since the date of the vested rights determination, in order to ascertain whether the applicant has continued in good faith to develop since the date of the vested rights determination. That determination shall be governed by the procedures for an initial vested rights determination under this Chapter.

(c)  All development granted a certificate of vested rights shall not substantially deviate from the terms and conditions upon which the certificate was granted, unless such a deviation is reviewed and approved by the Development Review Committee. Any deviation determined to be substantial by the Development Review Committee shall be subject to the concurrency requirements of the Comprehensive Plan, ULDC and approval by the Board of County Commissioners. Any substantial deviation constructed without prior county approval shall result in the forfeiture of the vested rights certificate and any vested rights claim.

402.174  Termination or Suspension of Vested Status

(a)  Notwithstanding anything in this Chapter to the contrary, subject to the requirements of paragraph (b) of this section, a valid and unexpired equitable or statutory vested rights certificate may be suspended or revoked upon a showing by Alachua County of an imminent peril to the health and safety of the people of Alachua County which did not exist or was unknown at the time the certificate was issued or at the time of the development order or act of the government on which the claim for vesting is based. In addition, vested rights certificate may be suspended or revoked upon a showing by Alachua County that the certificate was issued based upon false, inaccurate, misleading or incomplete information.

(b)  A valid and unexpired equitable or statutory vested rights certificate issued pursuant to this Chapter shall not be revoked prior to a hearing being held by the Board of County Commissioners. However, such certificate may be suspended prior to a hearing being held by the Board, provided the Board shall hold a hearing within 30 days after the suspension.
402.175  Savings Provision

If any part of this Article is held to be unconstitutional, it shall be construed to have the legislative intent to pass this Article without such unconstitutional part; and the remainder of this Article as to exclusion of such part shall be deemed and held to be valid as if such part had not been included herein.
Article 28 Appeal Procedures

402.176 Appeal Process
Appeals of all development orders and other applications included in this ULDC shall be by petition for writ of certiorari filed in the Circuit Court for Alachua County within 30 days of the date of the final development decision, except as otherwise provided in Florida Statute.

402.177 Effects of Challenges and Appeals
The timely filing of a petition for appeal in a court of law, challenging a final decision granting a development order, shall have the effect of staying the development order, unless the applicant furnishes the County with a properly executed waiver of claims, release from liability and hold harmless instrument, in a form approved by the County Attorney, that protects the County from liability for the issuance of further development permits for the project while the legal challenge is pending. No construction, building, or other development permits that depend upon the development order shall be issued, unless the aforementioned waiver is provided.

402.178 RESERVED

402.179 RESERVED
Article 29 Transfer of Development Rights Program

402.180 Purpose
It is the purpose of this article to implement the provisions of Section 9.0 Transfer of Development Rights Program, in the Future Land Use Element, as a tool that will protect the County’s environmental resources and promote viable agriculture while encouraging efficient use of services and infrastructure within the Urban Cluster.

402.181 Applicability
Development rights may be sold or otherwise transferred in accordance with the provisions of this article to facilitate transfers of development rights from regulated conservation and viable agriculture areas (sending areas) to areas more suitable for development within the Urban Cluster (receiving areas). The County shall maintain a publicly accessible database of potential development rights for sale or transfer and completed transactions of transfers of development rights.

402.182 Establishment of Sending and Receiving Areas
(a) Sending Areas
1. Agricultural Sending Areas shall be defined as any legally created parcel or combination of contiguous parcels that meet the following criteria:
   a. property has an approved agricultural classification from the Alachua County Property Appraiser;
   b. property is located outside the Urban Cluster; and
   c. property is ≥160 acres.
   i. An exception to the size threshold may be permitted where the property is contiguous to a designated sending area;
   ii. An exception to the size threshold may be permitted where the property is determined by the County to be of exceptional agricultural value based on factors such as the following:
      (a) Current agricultural use of the property,
      (b) Economic value of the use;
      (c) Types of soils;
      (d) Local marketing of products;
      (e) Sustainable farming practices such as low-loss irrigation and organic certification;
   iii. If an exception to the 160 acre size threshold is granted, any agricultural sending area parcel or combination of contiguous parcels must still be a minimum of 40 acres in size.

2. Conservation Sending Areas shall be defined as any legally created parcel or combination of contiguous parcels that meet the following criteria:
   a. property contains Strategic Ecosystems or is on the Alachua County Forever (ACF) active acquisition list; and
   b. property is ≥160 acres.
Chapter 402. Development Application Review Procedures

Article 29. Transfer of Development Rights Program

i. An exception to the size threshold may be permitted where the property is contiguous to a designated sending area; or

ii. An exception to the size threshold may be permitted where the property is contiguous to a 160 acre or larger property designated as a Strategic Ecosystem or on the Alachua County Forever active acquisition list.

iii. An exception to the size threshold may be permitted where the property is contiguous to an established Preservation area or an equivalent property designated on the Future Land Use Map of any adjacent jurisdiction or any other public park or preserve established for the purpose of preserving natural habitats.

iv. An exception to the size threshold may be permitted where the property is determined by the County to contain critical resources and ecological value based on ground-truthing of the property.

v. If an exception to the 160 size threshold is granted, any conservation sending area parcel or combination of contiguous parcels must still be a minimum of 40 acres in size.

(b) Receiving Areas

1. Any nonresidential development in the unincorporated area may become a receiving area through the purchase of development rights in order to reduce the amount of open space required on the development site, at a transfer rate of 10 development rights per acre of reduced open space. Mixed use areas shall use the same transfer rate proportionate to the amount of non-residential use in the development.

2. Any proposed amendment to expand the Urban Cluster must include a commitment to purchase development rights at a rate of two development rights per unit of proposed increase in density for residential or a rate of 10 development rights purchased per acre of non-residential land uses created.

3. Additional receiving areas may be established within municipalities through interlocal agreements. These agreements shall address development right purchasing procedures including the required rate of transfer.

402.183 Calculating Development Rights and Residual Uses

(a) Calculation of Transferable Development Rights

1. Development rights available for transfer shall be equal to the lesser of the following, minus the residual units not to be included in the transfer:
   a. number of residential units otherwise allowed on the sending area property; or
   b. number of upland acres on the sending area property.

2. As an incentive to transfer development rights away from a sending property, a total of 2 development rights in addition to the number of rights granted through the calculations identified above are allowed, plus one additional right per every 10 acres of conservation area on site and one additional right per every 20 acres of non-conservation area on site.
(b) Residual Uses

1. Agriculture – Residential densities of up to one dwelling unit per 40 acres may be retained in the sending area and continuation of agricultural uses in accordance with the most recent best management practices (BMPs) adopted by the State. When a portion of the property contains mapped conservation areas, Conservation Sending Area residual guidelines apply.

2. Conservation – Residential densities of up to one dwelling unit per 200 acres may be retained on the sending parcel where consistent with a Conservation Management Plan.
   a. Higher densities of up to one dwelling unit per 40 acres may be proposed where it can be demonstrated that there is no impact on resource protection and where consistent with a Conservation Area Management Plan to be developed consistent with ULDC Chapter 400Article 1, Conservation Management Areas and Chapter 406Article 20, Management Plans.
   b. The amount of density to be retained shall be based on what is necessary to protect the integrity of the ecological system and conservation resources.
   c. Continuation of agricultural uses is allowed in accordance with the most recent best management practices (BMPs) adopted by the State.
   d. Residual units shall be developed in a clustered pattern to protect the integrity of the environmental resources on and adjacent to the site. Alternative design patterns may be considered if it can be demonstrated that an alternative layout and design protects the integrity of the resources and has less impact than a typical clustered pattern based on site characteristics and location, access issues, previous site impacts, and historic uses.
   e. If the property is less than 200 acres existing homesteaded units may still be retained.

3. Development Plan approval by the Development Review Committee is required for development of the residual units. Development may not occur until the parcel has been rezoned to Ag-TDR or C-TDR as required by Section 402.185(a)3 below. The entire planning parcel, defined as the original parcel rezoned to a TDR sending district, must be used for determining development and placement of residual units.

402.184 Application for and Issuance of a Transfer of Development Rights Certificate

(a) Application for a Transfer of Development Rights Certificate
A potential sending property applicant shall submit an application for a Transfer of Development Rights Certificate. That application shall include the following:

1. Authority to submit an application, in a form approved by the County Attorney;
2. Legal description of the property;
3. Natural Resources assessment;
4. Statement of how the property qualifies as a sending parcel as consistent with the Comprehensive Plan and Section 402.182(a) above;

5. A statement of the number of development rights proposed for transfer from the sending parcel and calculations showing their determination;

6. Applicable fees; and

7. Such additional information as may be required by the Director as necessary to determine the number of development rights that qualify for transfer.

(b) Issuance of a Transfer of Development Rights Certificate

1. Once the potential development rights for transfer have been calculated and an application for a Certificate has been approved, the Director shall issue a Transfer of Development Rights Certificate containing the following information:
   a. Name of the Transferor;
   b. A legal description of the sending parcel;
   c. A statement of the number of development rights available for transfer;
   d. A statement of the remaining development rights on the sending parcel;
   e. A general description of the potential area for development of the remaining units, and
   f. the date of issuance of the Certificate.

2. The Growth Management Director’s determination, as shown on the Transfer of Development Rights Certificate, shall become final within 30 days of the date of determination. Alternatively, the applicant may submit an application to the Development Review Committee for a Preliminary Development Plan Review for Transfer of Development Rights Determination within 30 days of the Growth Management Director’s determination. The Director’s determination shall then become void and the DRC shall consider the matter anew and make the final decision on the application.

(c) Authority to Transfer Development Rights

1. Each transferor granted a Transfer of Development Rights Certificate shall have the authority to sever all of the development rights (minus the residual uses) from the parcel in a sending district and to sell or otherwise transfer those rights to a transferee in a receiving district consistent with Section 402.185 below.

2. The transferee may apply the rights to a property in the receiving area in accordance with Section 402.185(c) below.

3. Any transfer of development rights pursuant to this ordinance authorizes only a reduction in open space or is fulfilling a requirement of an application to expand the Urban Cluster. Development standards of the receiving district shall not otherwise be altered or waived including standards for stormwater, landscaping, floodplains, wetlands, or other environmentally sensitive areas.
402.185 Transfer of Development Rights

(a) Development Rights Eligible for Sale or Transfer

Prior to the development rights contained in the Transfer of Development Rights Certificate being eligible for sale or transfer to a receiving property, the owner of the sending property shall:

1. record a perpetual easement for conservation or agricultural purposes on the sending property in a form acceptable to and enforceable by the County and submit a copy to the Growth Management Department;
2. for sending properties retaining densities of one unit per 200 acres or greater, develop and submit for approval a Conservation Management Area Plan in accordance with ULDC Chapter 406 Article 17, Conservation Management Areas, and Article 20, Management Plans Conservation; and
3. submit an application for a rezoning of the property to a sending area zoning designation;

(b) Sale of Development Rights - Instruments of Transfer

An instrument of transfer must be completed and notarized prior to the transfer of development rights from a sending parcel to a receiving parcel. This instrument shall contain the following information:

1. The names of the transferor and transferee;
2. A legal description of the sending and receiving parcels;
3. A statement that the transferor grants to the transferee and the transferee’s heirs, assigns, and successors, a specific number of development rights from the sending parcel to the receiving parcel and the method by which the rights will be sold or transferred to the receiving parcel;
4. A statement that the transferor acknowledges he has no further right of use with respect to the rights being transferred;
5. Any other relevant information as required by the Director to establish that rights have been transferred.

(c) Use of Transferred Development Rights by a Receiving Property

1. Open Space Reduction

Purchasers of Development Rights seeking to reduce the open space requirements for a proposed development shall submit a Development Plan in accordance with Article 10, Development Plan Review and with the following additional information:

a. completed and notarized Instrument of Transfer as described in §402.184(b)1 above; and
b. proof of purchase of the development rights.

2. Comprehensive Plan Amendment to expand the Urban Cluster

For applications to expand the Urban Cluster, the applicant shall submit the Comprehensive Plan Amendment application in accordance with Article 7, Comprehensive Plan Amendment with the following additional information:

a. completed and notarized Instrument of Transfer as described in §402.184(b)1 above;
b. proof of contract to purchase development rights; and

c. prior to the adoption hearing for the amendment, the receiving property owner shall provide proof of purchase of the development rights.

(d) **Rezoning of Sending Parcel**

Once proof that a property owner has sold their development rights has been submitted to the County, the County shall process a rezoning to a TDR zoning district on the sending parcel.
Chapter 403  Zoning Districts

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Article 1  Establishment of Zoning Districts

This Chapter provides for the establishment of zoning districts that implement the Future Land Use Designations adopted on the Future Land Use Map 2020. These zoning districts also implement the goals, objectives and policies of the Alachua County Comprehensive Plan and adopted maps. Zoning district standards, dimensional and area requirements are established in this Chapter. Permitted uses are provided for in Chapter 404 of this ULDC.

403.01  Official Zoning Map Adopted

The Official Zoning Map of Alachua County, Florida on file in the Department of Growth Management (Department), together with all explanatory matter thereon, is hereby adopted and made a part of this ULDC.

403.02  Establishment of Zoning Districts

   (a)  The following zoning districts are established as listed in Table 403.02.1, Zoning Districts.
Chapter 403. Zoning Districts

Article 1. Establishment of Zoning Districts

Table 403.02.1

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural/Agricultural District</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Agriculture</td>
</tr>
<tr>
<td>A-RB</td>
<td>Agricultural Rural Business</td>
</tr>
<tr>
<td>AG-TDR</td>
<td>Agricultural (with Transfer of Development Rights)</td>
</tr>
<tr>
<td>C-TDR</td>
<td>Conservation (with Transfer of Development Rights)</td>
</tr>
<tr>
<td>Residential Districts</td>
<td></td>
</tr>
<tr>
<td>RE</td>
<td>Single family, Estate Residential</td>
</tr>
<tr>
<td>RE-1, R-1aa, R-1a, R-1c</td>
<td>Single family, Low Density</td>
</tr>
<tr>
<td>R-1b</td>
<td>Single family, Medium-Density</td>
</tr>
<tr>
<td>R-2</td>
<td>Multiple family, Medium Density</td>
</tr>
<tr>
<td>R-2a</td>
<td>Multiple family, Medium-High Density</td>
</tr>
<tr>
<td>R-3</td>
<td>Multiple family, High Density</td>
</tr>
<tr>
<td>Commercial Districts</td>
<td></td>
</tr>
<tr>
<td>AP</td>
<td>Administrative/Professional</td>
</tr>
<tr>
<td>BP</td>
<td>Business and Professional</td>
</tr>
<tr>
<td>BR</td>
<td>Business, Retail</td>
</tr>
<tr>
<td>BR-1</td>
<td>Business, Tourist and Entertainment</td>
</tr>
<tr>
<td>BH</td>
<td>Business, Highway</td>
</tr>
<tr>
<td>BA, BA-1</td>
<td>Business, Automotive</td>
</tr>
<tr>
<td>MB</td>
<td>Business Marine District</td>
</tr>
<tr>
<td>Industrial Districts</td>
<td></td>
</tr>
<tr>
<td>BW</td>
<td>Wholesale/Warehousing</td>
</tr>
<tr>
<td>ML</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>MS, MP</td>
<td>Industrial Services and Manufacturing</td>
</tr>
<tr>
<td>Special Purpose Districts</td>
<td></td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development District</td>
</tr>
<tr>
<td>RM</td>
<td>Manufactured-Mobile Home Park District</td>
</tr>
<tr>
<td>RM-1</td>
<td>Recreational Vehicle and Campgrounds District</td>
</tr>
<tr>
<td>RP</td>
<td>Residential Professional District</td>
</tr>
<tr>
<td>HM</td>
<td>Hospital/Medical District</td>
</tr>
<tr>
<td>C-1</td>
<td>Conservation District</td>
</tr>
<tr>
<td>P</td>
<td>Preservation District</td>
</tr>
</tbody>
</table>

(b) Usable pervious open space shall be provided on at least 20% of a development site. Natural and landscaped open spaces or transitional development and design practices shall be provided to adequately integrate development along the edges of different land use categories. Standards for landscaping design practices and criteria for the required 20% pervious open space are provided in Article 4 and Article 5, respectively, of Chapter 407.

(c) Permitted uses within each zoning district are established in Chapter 404.

(d) Overlay districts, Activity Centers and Special Area Plans are established in Chapter 405.

(e) Natural and historic resource protection standards are established in Chapter 406.
(f) Development standards are established in Chapter 407.

403.02.5 Traditional Neighborhood Developments and Transit Oriented Developments

New development within any of the single or multi-family zoning districts, except for RE, shall comply with the following requirements.

(a) Projects that are contiguous to a designated Rapid Transit or Express Transit Corridor and that include 150 or more residential units shall be developed as a Traditional Neighborhood Development or Transit Oriented Development in accordance with Chapter 407 Article 7, or shall be located within an Activity Center.

(b) Projects that are not contiguous to a designated Rapid Transit or Express Transit Corridor but contain 300 or more residential units shall be developed as a Traditional Neighborhood Development in accordance with Chapter 407, Article 7, or shall be located within an Activity Center.
Chapter 403. Zoning Districts

Article 2. Rural/Agricultural Districts

403.03 Rural/Agricultural District Descriptions

(a) Agricultural (A) District

The Agricultural District (A) implements the Rural/Agriculture designation on the Future Land Use Map, and the policies of the Comprehensive Plan to allow rural and agricultural areas to be developed in a manner consistent with the retention of agriculture, open space, and rural character; preservation of environmentally sensitive areas; and the efficient use of public services and facilities. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(b) Agricultural Rural Business (A-RB) District

The Agricultural Rural Business District (A-RB) implements the Rural/Agriculture designation on the Future Land Use Map, and the policies of the Comprehensive Plan to provide for those commercial or other uses on a limited scale serving or ancillary to agricultural activities. Properties zoned A-RB shall front a paved publicly-maintained road and shall be located at least a mile from all other properties zoned A-RB. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(c) Agriculture (AG-TDR) District (with Transfer of Development Rights)

The Agriculture Transfer of Development Rights district implements the Rural/Agriculture designation on the Future Land Use Map and the Transfer of Development Rights policies of the Comprehensive Plan, to provide principally for agricultural activities while allowing limited residential development at a density of up to one dwelling unit per 40 acres. A rezoning to this district shall occur when the owner of an Agricultural property, defined as having an approved Agriculture Classification from the Alachua County Property Appraiser, has voluntarily sold or otherwise conveyed associated development rights pursuant to the TDR program outlined in Chapter 402 Article 29.

(d) Conservation (C-TDR) District (with Transfer of Development Rights)

The Conservation Transfer of Development Rights district implements the TDR policies of the Comprehensive Plan, to provide principally for preservation of environmentally sensitive land while allowing limited residential development if resources can be protected at a density of up to one unit per 200 acres where consistent with a Conservation Area Management Plan. Higher densities of up to one dwelling unit per 40 acres may be proposed where it can be demonstrated that there is not impact on resource protection and where consistent with the Conservation Area Management Plan. A rezoning to this district shall occur when the owner of Conservation property, defined as properties that contain Strategic Ecosystems or are on the Alachua County Forever (ACF) active acquisition list, has voluntarily sold or otherwise conveyed associated development rights pursuant to the TDR program outlined in Chapter 402 Article 29.
403.04 Rural/Agricultural Zoning District Requirements

All development and divisions of land meeting the gross residential density in a Rural/Agricultural zoning district shall comply with the requirements of Table 403.04.1, Standards for Rural/Agricultural Zoning Districts. Dimensional standards for Rural/Agriculture clustered subdivisions are found in Table 407.78.1 of Chapter 407.

Table 403.04.1
Standards for Rural/Agricultural Zoning Districts

<table>
<thead>
<tr>
<th>Standards</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Maximum residential density</td>
<td>1 unit per 5 acres</td>
</tr>
<tr>
<td>Area, min (acres)</td>
<td>3</td>
</tr>
<tr>
<td>Area, max(acres)</td>
<td>N/A</td>
</tr>
<tr>
<td>Width at front building line, min (ft)²</td>
<td>250</td>
</tr>
<tr>
<td>Maximum building coverage</td>
<td>20%</td>
</tr>
<tr>
<td>Building Height</td>
<td>Unlimited³</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front, min (ft)</td>
<td>40</td>
</tr>
<tr>
<td>Rear, min (ft)</td>
<td>40</td>
</tr>
<tr>
<td>Interior side, min (ft)</td>
<td>20</td>
</tr>
<tr>
<td>Street side, min (ft)</td>
<td>40</td>
</tr>
<tr>
<td>Rear lot line setback - accessory buildings, min (ft)</td>
<td>25</td>
</tr>
</tbody>
</table>

N/A=Not Applicable

¹ Lots as small as 1 acre may be permitted upon approval by the Zoning Administrator for the first split of a parent parcel where the density requirements are met. Such lots shall be subject to the dimensional standards in Table 408.16.1.

²The minimum lot width shall not apply to lots that front on a curved street or the curved portion of a cul-de-sac street provided the lot complies with all other lot and setback requirements.

³Building heights are unlimited with the exception of residential structures, which shall not exceed 35 feet in height.

⁴Unless otherwise specified for a specific use in Chapter 404 of this ULDC, buildings used for agricultural processing or packaging shall not be less than 100 feet from all lot or property lines.
Chapter 403. Zoning Districts

Article 3. Residential Zoning Districts

Within the single-family residential districts (RE, RE-1, R-1aa, R-1a, R-1b and R-1c) and multifamily residential districts (R-2, R-2a and R-3), as shown on the zoning map of Alachua County, the following shall apply.

403.05 Single Family Residential Zoning Districts

The single family residential districts implement the Estate Residential, Urban Residential, and Rural Cluster policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. Permitted uses are found on the Use Table in Chapter 404 Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

403.06 Single Family Residential Subdivision Requirements

This Section provides for adequate future urban residential development enabling development to include a full range of housing types, lot sizes and densities to serve different segments of the housing market, designed to be integrated and connected with surrounding neighborhoods and the community. New developments shall comply with §403.02.5. All subdivisions shall meet the requirements of Article 8, Subdivision Regulations, of Chapter 407 of this ULDC.

(a) Calculation of Residential Subdivision Densities

Unless otherwise provided in this ULDC, the calculation of number of units per acre shall be based upon the gross residential density. Density of a new subdivision shall be within the ranges shown in §403.07(a). In the R-1b Zoning District, the 4-8 density range may only be applied in the Medium Density Future Land Use Designation.

(b) Density Exemption

1. Exemptions to the minimum density of a parcel may be approved by the DRC if it is determined that environmental site constraints, infrastructure constraints, or parcels of limited scale preclude achieving the gross density.

2. For the purposes of determining compliance with minimum and maximum density requirements, accessory living units meeting the standards provided in §404.24, shall be exempt from such calculations.

403.07 Single Family Residential Standards

Within all single family residential zoning districts, unless otherwise provided in this ULDC, the principal building and accessory buildings shall be located and constructed in accordance with Table 403.07.1, Setback Requirements for Residential Lots, and the following standards shall apply.

(a) Lot sizes

Lot sizes may vary in the single family residential zoning districts provided the following density requirements are met.
Table 403.07.1
Density of Single Family Residential Districts

<table>
<thead>
<tr>
<th>Density Range</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling units</td>
<td></td>
</tr>
<tr>
<td>1 per 2 acres or less</td>
<td>RE-1</td>
</tr>
<tr>
<td>1 per 2 acres to 2 per acre</td>
<td>R-1aa</td>
</tr>
<tr>
<td>1-3 per acre</td>
<td>R-1a or R-1c</td>
</tr>
<tr>
<td>4-8 per acre</td>
<td>R-1b</td>
</tr>
</tbody>
</table>

NOTE: Permitted housing types in each district are established in Chapter 404. In Rural Clusters, the minimum lot size within any single family residential zoning district shall be 1 acre for development on private wells and septic tanks.

(b) Maximum Height

The maximum height for all structures within the single family residential zoning districts is 35 feet.

Table 403.07.2
Setback Requirements for Residential Lots

<table>
<thead>
<tr>
<th>Setbacks1</th>
<th>Front or Street</th>
<th>Garage Front2</th>
<th>Rear</th>
<th>Side</th>
<th>Accessory buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots less than 1 acre in size, Minimum Principal Building (ft.)</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td>52</td>
<td>Same as principal building except rear is 7.5 ft.</td>
</tr>
<tr>
<td>Lots 1 acre or greater in size, Minimum Principal Building (ft.)</td>
<td>15</td>
<td>20</td>
<td>15</td>
<td>102</td>
<td>Same as principal building except rear is 10 ft.</td>
</tr>
</tbody>
</table>

1Minimum side setbacks do not apply to zero lot line developments provided the building spacing requirements of the Florida Building Code, Table 600, are met.
2Minimum side setbacks do not apply to single family attached units.
3The Garage Front setback applies only to the garage portion of the structure when the garage opening faces the front of the street.

403.08 Multifamily Residential Districts

The multiple family residential zoning districts implement the Urban Residential policies of the Future Land Use Element of the Comprehensive Plan. Multifamily districts shall be allowed only in those areas designated Medium, Medium-High or High Density Residential on the Future Land Use Map. Exemptions to the minimum density of a parcel may be approved by the DRC if it is determined that environmental site constraints, infrastructure constraints, or parcels of limited scale preclude achieving the gross density. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.
Chapter 403. Zoning Districts
Article 3. Residential Zoning Districts

403.09 Multifamily Residential Standards
Within all multifamily residential zoning districts, principal buildings and accessory buildings shall be located and constructed in accordance with Table 403.09.1. Platted lots within multifamily developments shall be subject to the setback requirements outlined in Table 403.07.2

Table 403.09.1
Standards for Multifamily Districts

<table>
<thead>
<tr>
<th>Standards</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density Range - Dwelling units per acre</td>
<td>R-2</td>
</tr>
<tr>
<td></td>
<td>R-2a</td>
</tr>
<tr>
<td></td>
<td>R-3</td>
</tr>
<tr>
<td>Front, min (ft)</td>
<td>25</td>
</tr>
<tr>
<td>Rear, min (ft)</td>
<td>20</td>
</tr>
<tr>
<td>Interior side, min (ft)</td>
<td>10</td>
</tr>
<tr>
<td>Street side, min (ft)</td>
<td>25</td>
</tr>
</tbody>
</table>

1Additional inches of setback shall be required for each foot of building height over 35 feet when abutting single family residential uses for zoning.
2This standard does not apply to assisted living facilities.

403.10 Multifamily Residential Requirements
All multifamily residential development within the R-2, R-2a, and R-3 zoning districts shall meet the following requirements and the requirements of §403.02.5, if applicable.

(a) Building spacing shall meet the requirements of the Florida Building Code, Table 600.

(b) Direct access to a paved arterial or collector road shall be provided. The County Commission may approve a Planned Development with local street access in the Medium and Medium-high density land use categories provided the following requirements are met:

1. The access road shall have a limited number of single family driveways between the proposed development and the collector or arterial road. The exact number of existing single-family access points allowed shall be determined at development plan review based on the design of the roadway, traffic counts, and the size of the proposed multi-family development.

2. Sidewalks shall be provided on the access road that extends from the project to the primary road network.

3. The following collector road design elements shall be addressed in the PD application and shall be considered as potential conditions of the PD approval for the access road:
   a. curb and gutter,
   b. pedestrian scale street lighting
   c. shade trees,
   d. transit stops with benches,
   e. pedestrian activated crossing signals at signalized intersections,


Unified Land Development Code
Adopted as Ord. 18-23
Alachua County, Florida
403-8
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f. bicycle lanes

(c) The access road shall meet the minimum street design specifications based on projected ADT, as outlined in Section 407.80(a-g).

(d) A minimum of five percent of the development shall be designated for developed recreational open space, such as community fields, greens, plazas, squares or outdoor sports facilities. Such recreational open space shall be designed for use by residents of the development.

(e) Bus shelters shall be provided for each multifamily development and shall be located on an adjacent street and where there are planned or existing bus routes.

(f) A continuous pedestrian circulation system shall be provided throughout the entire development. The system shall link all units to all developed recreational open space, parking, planned or existing bus facilities, and to existing public sidewalks or public right-of-way that is located adjacent to the development.
Article 4 Commercial Districts

403.11 Commercial District Descriptions

(a) Administrative and Professional (AP) District
The Administrative and Professional (AP) District implements the Commercial, Office, and Office/Residential policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. This zoning district may also implement the policies and associated designations for Rural Clusters and Rural Employment Centers. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(b) Business and Professional (BP) District
The Business and Professional (BP) District implements the Commercial and Office policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. This zoning district may also be appropriate in Rural Clusters and Rural Employment Centers. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(c) Retail Sales and Services (BR) District
The Retail Sales and Service (BR) District implements the Commercial policies in the Comprehensive Plan and the associated designations on the Future Land Use Map, as well as the Neighborhood Convenience Commercial policies of the Comprehensive Plan. This district may also be appropriate in Rural Clusters and Rural Employment Centers. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(d) Business, Tourist and Entertainment (BR-1) District
The Business, Tourist and Entertainment (BR-1) District implements the Tourist/Entertainment policies and the associated designations on the Future Land Use Map and the policies of the Comprehensive Plan. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited. The BR-1 district is intended to provide commercial uses that are oriented primarily toward services for the short term visitor to Alachua County, by providing lodging and related commercial uses at the following locations:

1. designated highway interchanges with Interstate 75;
2. locations adjacent to natural resources, consistent with the protection of those resources; or
3. locations adjacent to other major tourist destinations

(e) Highway Oriented Business Services (BH) District
The Highway Oriented Business Services (BH) District implements the Commercial and Tourist/Entertainment policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the
Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(f) **Automotive Oriented Business (BA and BA-1) Districts**

The Automotive Oriented Business (BA and BA-1) Districts implement the Commercial policies of the Comprehensive Plan and the associated designations within Activity Centers on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(g) **Business Marine (MB) District**

The Business Marine (MB) District implements certain elements of the Tourist/Entertainment policies of the Comprehensive Plan and associated designations in areas adjacent to lakes, rivers or other natural bodies of water. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

### 403.12 Commercial District Standards

Within all commercial zoning districts, principal building and accessory buildings shall be located and constructed in accordance with the requirements of Table 403.12.1.

#### Table 403.12.1

<table>
<thead>
<tr>
<th>Standards</th>
<th>AP</th>
<th>BP</th>
<th>BR, BR-1</th>
<th>BH</th>
<th>BA, BA-1</th>
<th>MB</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min Area (sq ft)</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Width at front building line, min (ft)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Depth, min (ft)</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, min (ft)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25(^1)</td>
<td>25</td>
</tr>
<tr>
<td>Rear, min (ft)</td>
<td>10</td>
<td>10</td>
<td>5(^1)</td>
<td>5(^1)</td>
<td>5(^1)</td>
<td>5(^1)</td>
</tr>
<tr>
<td>Interior side, min (ft)</td>
<td>5(^2)</td>
<td>5(^2)</td>
<td>5(^2)</td>
<td>5(^2)</td>
<td>5(^2)</td>
<td>5(^2)</td>
</tr>
<tr>
<td>Street side, min (ft)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td><strong>Building Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, max (ft)</td>
<td>35</td>
<td>45</td>
<td>65</td>
<td>65</td>
<td>45</td>
<td>35</td>
</tr>
<tr>
<td>Building coverage, max (% of gross land area)</td>
<td>40%</td>
<td>40%</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

\(^1\)Where the rear yard abuts a residential or agriculture zoning district, a minimum rear setback of 25 feet shall be required.

\(^2\)Six inches of additional side yard shall be required for each foot of building height over 35 feet when abutting single family residential uses or zoning.
Chapter 403. Zoning Districts

Article 4. Commercial Districts

403.13 Commercial District Requirements

Within all commercial zoning districts, the regulations listed below shall apply.

(a) Building Orientation

Business uses shall be oriented to face other business or commercial districts across a street.

(b) Vehicle Access to Business Uses

All commercial uses must have direct access to a paved roadway. If property located within a business or commercial zoning district possesses frontage on two or more streets, and if one or more of such frontages abuts a residential zoning district, vehicle access to the property shall be provided only along a frontage that does not abut the residential district. This requirement may be waived by the Director and County Engineer.

(c) Front Setbacks in Activity Centers

Buildings located within an Activity Center may be designed with a front and street side building setback of 5 feet.

(d) Subdivision After Development Plan Approval

Where a commercial property with an approved development plan is subdivided by metes and bounds description after approval of the development plan, the dimensional standards in Table 403.12.1 shall be defined by the approved development plan.

(e) Commercial Uses Within Rural Clusters

1. There shall be a maximum of up to 30,000 square feet of total commercial floor area for each Rural Cluster in accordance with Policy 6.4.3(b) of the Comprehensive Plan, Future Land Use Element. The amount of commercial development appropriate for any Rural Cluster should be relative to the population being served.

2. Within a Rural Cluster, any new individual commercial structure shall be limited to a maximum gross floor area of 5,000 square feet and a maximum height of 35 feet. A maximum gross floor area greater than 5,000 square feet may be allowed as a Special Exception in accordance with Chapter 402 Article 17 in the BP or BR zoning districts, if the proposed use is demonstrated to be compatible with the size, scale, and character of the existing land uses within the Rural Cluster and the immediate surrounding land uses designated in the Comprehensive Plan.
Article 5   Industrial Districts

403.14 Industrial District Descriptions

(a) Wholesale and Warehousing (BW) District
The BW district implements the Warehouse/Distribution, Light Industrial, and in some cases Commercial policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(b) Light Industrial (ML) District
The ML district implements the Light Industrial policies of the Comprehensive Plan and the associated designations on the Future Land Use Map. The ML district is established to allow certain office and light industrial uses, such as research and development and experimental laboratories and similar uses or the manufacturing or fabrication of products that have minimal off-site impacts. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(c) Industrial Services and Manufacturing (MS and MP) Districts
The MS and MP Districts implement the Heavy Industrial policies of the Comprehensive Plan and the associated designations on the Future Land Use Map, for establishments engaged in manufacturing. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

403.15 Industrial District Standards
Within all industrial zoning districts, principal building and accessory buildings shall be located and constructed in accordance with the requirements of Table 403.15.1.

Table 403.15.1
Standards for Industrial Zoning Districts

<table>
<thead>
<tr>
<th>Standards</th>
<th>BW</th>
<th>ML</th>
<th>MS, MP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (ft)</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Rear (ft)</td>
<td>5</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear, Adjacent to Residential (ft)</td>
<td>50</td>
<td>50</td>
<td>75</td>
</tr>
<tr>
<td>Side (ft)</td>
<td>5</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side, Adjacent to Residential (ft)</td>
<td>50</td>
<td>50</td>
<td>75</td>
</tr>
<tr>
<td><strong>Building Standards</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, max (ft)</td>
<td>40</td>
<td>60</td>
<td>60</td>
</tr>
</tbody>
</table>

403.16 Additional Requirements Applicable to Industrial Zoning Districts

(a) All industrial uses must have direct access to a paved roadway.
(b) A high-density buffer, as defined in Table 407.43.2, shall be provided along the boundary between industrial and residential districts. Off-street parking, but not off-street loading, may be provided within the yard but not within the required buffer.

(c) Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas.

(d) No portion of any building or structure and no activity related to any use within the MS or MP district shall be located closer than 35 feet to any MS or MP district boundary. This requirement may be reduced or waived by the Development Review Committee subject to the following review criteria:
   1. The lot is two acres or less in size;
   2. The adjacent parcel(s) do not have a residential zoning or land use or an existing residential use on site at the time of application;
   3. The adjacent landowner(s) of properties not industrially zoned must provide written consent to the applicant for the reduction or waiver proposal.

(e) Where property zoned MS or MP fronts a public street, no less than one half of the frontage shall contain landscaping consistent with a ‘Low’ buffer as defined in Table 407.43.2, except as required for ingress and egress.

(f) No side or rear yard is required where MS or MP property is adjacent to a railroad right-of-way on that frontage. Side and rear yards may be used for off-street parking or off-street loading subject to the general provisions above.

(g) Buildings within the BW, ML, MS and MP districts that front on streets or roads shall be required to meet the standards in Article 10, Building Design, of Chapter 407.
Article 6  Special Purpose Districts

403.17  Planned Development (PD) District

(a)  Purpose

It is the purpose of this district to promote the development of land as phased planned communities and the utilization of creative concepts for development planning not otherwise provided in this ULDC, in a manner that is consistent with the Comprehensive Plan.

(b)  Planned Development District Requirements

1.  Development Standards

The development standards and expiration dates shall be established by the zoning master plan and development order approved for each district. Permitted uses and residential densities approved by the Board of County Commissioners shall be consistent with the designations on the Future Land Use Map. For the purpose of this Section, dimensional standards shall include, but not be limited to such requirements as:

a.  minimum lot area;
b.  minimum lot width and depth;
c.  minimum and maximum density;
d.  maximum building height;
e.  minimum setbacks and standards for encroachment into the public right-of-way;
f.  maximum building coverage;
g.  maximum building size; and
h.  similar standards applicable to the placement, bulk and scale of structures and uses.

2.  Underground Utilities

All utilities, excluding necessary service boxes and similar installations, shall be located underground. This requirement shall not apply to overhead lines located along the perimeter of a planned development.

3.  Phased Development

a.  A planned development may be required to be developed in phases of up to two years for each phase, based on the availability of public services.

b.  The zoning master plan or the development order approval for a planned development shall set forth the phasing plan, including:

i.  the location of each development phase;

ii.  the number of acres within each phase;

iii.  the number and type of dwelling units within each phase, if applicable;

iv.  the number of nonresidential square feet of development within each phase, if applicable;
v. the date when the phasing plan is to begin;

vi. the overall phasing plan, indicating the approximate date when development of each phase will begin and the completion date of each phase, including an indication that each phase will be viable with regard to proper access, circulation, drainage, open space and utilities; and

vii. the final completion date of the project.

c. A development plan for each phase shall be reviewed separately by the Development Review Committee and shall be designed to include proper access, traffic circulation, natural resource protection, stormwater management, open space, recreation and utilities to ensure viability of each and all stages of development.

403.18 Residential Professional (RP) District

(a) Purpose

The Residential Professional (RP) District provides a transition zone between commercial and residential uses by allowing urban density residential development, certain institutional uses and limited office uses. This zone may be used to implement areas designated for Commercial, Office/Residential and Institutional uses on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(b) Residential Professional District Standards

Within the Residential/Professional Zoning District, principal buildings, accessory buildings and other land uses shall be located so as to comply with the requirements established in Table 403.18.1.
### Table 403.18.1
Standards for the Residential/Professional Zoning District

<table>
<thead>
<tr>
<th>Standards</th>
<th>RP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family detached, min (sq ft)</td>
<td>8,500</td>
</tr>
<tr>
<td>Width at front building line, min (ft)</td>
<td>85</td>
</tr>
<tr>
<td>Depth, min (ft)</td>
<td>90</td>
</tr>
<tr>
<td>Other residential or nonresidential use, min (sq ft)</td>
<td>15,000</td>
</tr>
<tr>
<td>Width at front building line, min (ft)</td>
<td>100</td>
</tr>
<tr>
<td>Depth, min (ft)</td>
<td>90</td>
</tr>
</tbody>
</table>

#### Setbacks

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>25</td>
</tr>
<tr>
<td>Rear</td>
<td>20</td>
</tr>
<tr>
<td>Interior side</td>
<td>10</td>
</tr>
<tr>
<td>Street side</td>
<td>25</td>
</tr>
</tbody>
</table>

#### Building Standards

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height, max (ft) within areas designated for residential land use by the Comprehensive Plan</td>
<td>35</td>
</tr>
<tr>
<td>Height, max (ft) within areas designated commercial, office, institutional or other nonresidential uses by the Comprehensive Plan</td>
<td>65</td>
</tr>
<tr>
<td>Building coverage, max (% of gross land area)</td>
<td>20%</td>
</tr>
</tbody>
</table>

1 Plus one foot for each foot of building height over 35 feet in an area designated residential land use.

(c) **Residential Development Restrictions**

Any residential use within an RP district located in a commercial, office, institutional or other nonresidential Future Land Use Map designation shall be included as an integral part of the office/institutional structure.

1. Such residential development shall not exceed 50 percent of the total square footage of the structure or of the total permitted development. Assisted living facilities within the RP zoning district are excluded from the 50 percent limit.

2. Residential development within the RP zoning district must have direct access to a paved publicly-maintained road.

### 403.19 Hospital/Medical (HM) District

#### (a) Purpose

The Hospital/Medical (HM) Zoning District implements the Institutional, Institutional/Medical, and Office/Medical designations on the Future Land Use Map of the Comprehensive Plan. Development within this zoning district shall be consistent with the Institutional, Institutional/Medical or Office/Medical policies of the Future Land Use Element. Major health facilities, e.g., hospitals and medical complexes, shall be located in areas designated for Institutional/Medical land uses on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

#### (b) Hospital/Medical Zoning District Standards

Within the HM zoning district, the principal buildings and accessory buildings shall be located and constructed in compliance with the requirements established in Table 403.19.1.
**Table 403.19.1**

Standards for the Hospital/Medical Zoning District

<table>
<thead>
<tr>
<th>Standards</th>
<th>HM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min (sq ft)</td>
<td>10,000</td>
</tr>
<tr>
<td>Width at front building line, min (ft)</td>
<td>100</td>
</tr>
</tbody>
</table>

**Setbacks**

<table>
<thead>
<tr>
<th>Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front, min (ft)</td>
<td>25</td>
</tr>
<tr>
<td>Rear, min (ft)</td>
<td>20</td>
</tr>
<tr>
<td>Interior side, min (ft)</td>
<td>10</td>
</tr>
<tr>
<td>Street side, min (ft)</td>
<td>25</td>
</tr>
</tbody>
</table>

**Building Standards**

<table>
<thead>
<tr>
<th>Building Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Height, max (ft)</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Building coverage, max (% of gross land area)</td>
<td>40%</td>
</tr>
</tbody>
</table>

*Six inches of additional setback required for each foot of building height over 35 feet.*

**403.20 Conservation (C-1) District**

(a) **Purpose**

The Conservation (C-1) Zoning District implements the Conservation designation on the Future Land Use Map and this zoning district shall be used for other properties which have natural limitations to development because of their sensitive environmental character. Development in the C-1 conservation district shall be permitted only as provided in this Section consistent with the land use designation and in accordance with natural and historic resources protections in Chapter 406. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited.

(b) **Conservation District Dimensional Standards**

Development of a single family residence on property that is zoned C-1 may be permitted, and shall comply with the standards listed below.

1. Development plan approval by the Development Review Committee shall be required prior to the issuance of a building permit.
2. A minimum lot area of ten acres shall be provided for each dwelling.
3. Sewage disposal and potable water service shall comply with all applicable Health Department requirements and environmental standards.
4. Septic tanks and drainfields shall be sited in a manner to protect conservation areas from the discharge of elevated nutrients or improperly treated effluent. The need for advanced treatment systems shall be reviewed when the site location has unique geologic conditions or is within 150 feet of a natural water body.
5. Building impact areas, including the footprint of the house and other impervious areas shall not exceed one acre. The building impact area may include all paved driveways and vehicle parking areas or other impervious surfaces.
6. The dwelling unit shall be sited such that the location results in the least adverse impact to natural systems.
Chapter 403. Zoning Districts

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7. The setbacks for a single family dwelling shall be the same as in Table 403.04.1, relating to A (Agriculture) zoning district. These dimensional standards may be modified by the Development Review Committee if the modified requirement is more appropriate to protect the natural resource.

403.21 Preservation District (P)

(a) Purpose

The Preservation (P) Zoning District implements the Preservation designation on the Future Land Use Map in conjunction with an approved management plan and, where applicable, conservation easement or covenant document. Development in the Preservation district shall be permitted only as provided in this Section consistent with the land use designation and in accordance with natural and historic resources protections in Chapter 406.

(b) Preservation District Dimensional Standards

Unless otherwise provided in this Section, dimensional standards for each parcel that is zoned P shall be determined by the Director, based upon the nature of any proposed development activity, and the individual circumstances and characteristics applicable to each specific parcel.

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 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §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 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 403.22.1.
Chapter 403. Zoning Districts

Article 6. Special Purpose Districts

**Table 403.22.1**

Standards for the RM Zoning District

<table>
<thead>
<tr>
<th>Standards</th>
<th>RM</th>
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<tr>
<td><strong>RM District Standards</strong></td>
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<tr>
<td>Area, min (acres)</td>
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<tr>
<td>Density, max (units/gross acre)</td>
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<tr>
<td>Area of space, min (sq ft)</td>
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<td>Width at front building line, min (ft)</td>
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<tr>
<td><strong>Individual Home Space Setbacks</strong></td>
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<tr>
<td>Front, min (ft)</td>
<td>8</td>
</tr>
<tr>
<td>Rear, min (ft)</td>
<td>5</td>
</tr>
<tr>
<td>Side, min (ft)</td>
<td>5</td>
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</tbody>
</table>

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 open space, such as community fields, greens, or outdoor sports facilities. Such open space shall be designed for use by residents of the development.

403.23 **Travel Recreational Vehicle Park and Campgrounds (RM-1) District**

(a) **Purpose**
   The Recreational Vehicle Park and Campground Zoning District implements the Tourist/Entertainment policies in the Future Land Use Element of the Comprehensive Plan and the associated designation on the Future Land Use Map. Permitted uses are found on the Use Table in Article 2 of Chapter 404. Any use with a blank cell for this district in the Use Table or that does not meet the requirements of §404.08 for similar uses is prohibited. The RM-1 district implements the Comprehensive Plan by providing lodging and facilities at the following locations:
   1. designated highway interchanges with Interstate 75;
   2. locations adjacent to natural resources, consistent with the protection of those resources; or
   3. locations adjacent to other major tourist destinations.

(b) **RM-1 District Standards**
   The minimum area allowable for a recreational vehicle park and/or campground shall be five acres and the maximum density of recreational vehicle spaces, cabins and/or tent campsites shall not exceed eight per acre. Density shall be calculated as gross density and include all land area exclusive of major bodies of water starting at the high-water mark within the approved recreational vehicle or campground boundaries. Unless otherwise provided in Chapter 404 the only use of property zoned RM-1 shall be for a recreational vehicle park and campground. All park and campground uses shall comply with the requirements of this Section.

1. **Tent Campsites**
   a. Primitive campsites shall be located, designed and intended to afford the users an opportunity to camp in a quiet, uncongested and natural setting. The density of the area designated for primitive sites shall not exceed four spaces per gross acre.
   b. Non primitive campsites may be included in the overall density calculation of the park not to exceed eight sites per acre.

2. **Camping Cabins**
   In addition to spaces for recreational vehicles and tents, a maximum of ten percent of the total number of spaces may be utilized for camping cabins constructed in compliance with the Florida Building Code. Each cabin shall not exceed 400 square feet, including outdoor porches. Each cabin shall contain a minimum of 50 square feet per occupant.
(c) **Minimum Setback from Property Lines**
All principal and accessory structures, recreational vehicle spaces, camping cabin spaces and tent spaces shall be setback a minimum of 50 feet from any property line.

(d) **Vehicular Access**
Access to any new recreational vehicle parks and campgrounds shall be via a paved arterial or collector roadway. Where the Director determines it is appropriate, access may be permitted from a local or unpaved roadway.

(e) **Pedestrian and Bicycle Access**
The recreational vehicle park and campground shall incorporate a continuous pedestrian and bicycle pathway throughout the entire area of the site, including connections to all portions of the facility, all internal roads, all exterior vehicular connections and uses and amenities installed for use by guests.

(f) **Central Utilities**
Each recreational vehicle space, the administrative office, maintenance facilities, security quarters or any other similar use shall provide a connection to central water and wastewater treatment facilities. Common sanitary facilities, including showers, toilets and sinks, shall be provided for use by the visitors to the park.

(g) **Permitted Accessory Uses**
Within a recreational vehicle park and campground, the following accessory uses are permitted:

1. recreation amenities restricted to use by guests, including pools, tennis and shuffleboard courts, recreation rooms, equestrian facilities, nature and walking trails, play grounds, tot lots, docks and similar facilities;
2. gate houses or similar facilities designed to provide security to the park and campground;
3. maintenance facilities;
4. administrative office space necessary for operation of the park and campground; and
5. commercial or retail use located internal to the park and restricted to use by guests, including convenience food and beverage items and recreational vehicle parts.

(h) **Permitted Accessory Commercial and Retail Uses**
The permitted accessory commercial and retail uses shall, in addition to the requirements of this Section, comply with the following:

1. The use shall be located and accessed internally to the Recreational Vehicle Park and campground.
2. The use shall not be provided with separate signage along a public road.
3. The structures housing a commercial or retail use shall not be constructed until a minimum of 75 percent of the recreational vehicle spaces, camping cabins and tent sites have been constructed or installed.
(i) **Prohibited Uses**

The uses, activities or improvements listed below are prohibited within a recreational vehicle park and campground.

1. **Permanent Residence**
   
   Permanent residential use of any park land, camping cabin, tent, structure or facility is prohibited, excluding occupants of any security quarters that may be established in the park in accordance with the requirements of §404.25 of this ULDC. Residence in any recreational vehicle space, camping cabin or tent within a park is restricted to 90 consecutive days, and a maximum of 180 calendar days during any one year period.

2. **Permanent Structures**
   
   The installation or construction of permanent structures or additions accessory to a recreational vehicle or camping cabin, including but not limited to screen rooms, carports and utility sheds is prohibited.

3. **Improper Parking**
   
   Parking of recreational vehicles in areas not designated for such use is prohibited.

4. **Storage**
   
   The storage of recreational vehicles is prohibited.

5. **Propane Gas Sales**
   
   The sale or dispensing of propane gas, excluding containers already containing propane gas, is prohibited.

---

**403.24 Eastside Activity Center Overlay District**

(a) **Purpose**

The purpose of the Eastside Activity Center Overlay District is to implement the Eastside Activity Center Master Plan as well as the Objectives, Goals and Policies for the Activity Center as provided in Policy 2.5.10 of the Comprehensive Plan’s Future Land Use Element. The Eastside Master Plan is intended to create a mixed-use activity center with neighborhood-oriented retail, institutional, residential and office uses.

(b) **Eastside Activity Center Zoning District Development Requirements**

In the Eastside Activity Center Overlay District, all principal and accessory buildings shall be located and constructed with the requirements listed in Table 403.24.1.
**Table 403.24.1**  
Standards for Eastside Activity Center Overlay District  
Zoning Districts

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<td>Building Height</td>
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<td>Maximum 45 feet</td>
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<td>Non-residential only - 0.15</td>
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<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Building Limitations</td>
<td>Retail uses shall not exceed 60% of total allowed non-residential floor area</td>
<td>At least 50% of residential dwelling units shall be located above non-residential uses within mixed use buildings</td>
<td>Retail uses must be located in mixed use buildings that also contain non-retail uses. No more than 5% of the total floor area may be used for retail</td>
<td>Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building (1)</td>
<td>Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building (1)</td>
<td>Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building (1)</td>
</tr>
<tr>
<td>Notes</td>
<td>Individual retail uses within mixed use buildings shall not exceed 3,000 square feet per storefront.</td>
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</table>
Chapter 404  Use Regulations

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Article 1  General Provisions

404.01  Purpose

This Chapter establishes permitted, limited, accessory and prohibited uses, as well as uses that require special use permits or special exceptions, according to the various zoning districts. Where such uses are allowed within a zoning district but are not permitted by right, applicable standards are established for the use.

404.02  Principal Uses within Planned Development Districts

Within planned development districts, all principal uses shall be set out within the development order approved by the Board of County Commissioners, in a manner consistent with the Comprehensive Plan and this ULDC.
Chapter 404. Use Regulations


404.03 Uses within TDR (Transfer of Development Rights) Districts
The uses allowed within the Silvicultural (SLV-TDR) District, the Agriculture (AG-TDR) District, and the Rural Residential (RR-TDR) District will be established at the time that the County officially adopts a transfer of development rights program.

404.04 Uses within Conservation and Preservation Management Areas
The uses allowed within Conservation and Preservation Management Areas shall be set out within the management plan approved for the area, in accordance with the requirements of Chapter 406 of this ULDC.

404.04.5 Uses within Traditional Neighborhood Developments and Transit Oriented Developments
Uses allowed within Traditional Neighborhood Developments and Transit Oriented Developments are listed within the Use Table similar to the Zoning Districts. TND/TOD is not a zoning district. Article 7 of Chapter 407 provides further limitations about the location and design of some uses.

404.04.6 Uses within the Eastside Activity Center Zoning Districts
Uses allowed within the Eastside Activity Center Zoning Districts are identified in Table 405.42.1 of this ULDC.
Article 2  Use Table

404.05  Applicability
Permitted, limited, special, accessory and prohibited uses are established in the use table. The use of all new or existing structures and properties shall conform with the requirements of the use table and with all other applicable requirements of this ULDC.

404.06  Types of Uses
(a) Permitted Use by Right (P)
A “P” indicates a use that is permitted by right. Standards established in this Chapter do not apply to uses that are permitted by right within a particular zoning district.

(b) Limited Use (L)
An “L” indicates a use that is permitted by right, provided that the use meets the additional standards established in this or other referenced Chapters of this ULDC.

(c) Special Exception (SE)
An “SE” indicates a use that is permitted only where approved with a special exception by the Board of County Commissioners in accordance with the procedures in Article 17 of Chapter 402.

(d) Special Use Permit (SU)
An “SU” indicates that a use is permitted only where approved with a special use permit by the Board of County Commissioners in accordance with the procedures in Article 18 of Chapter 402.

(e) Accessory Use (A)
An “A” indicates a use that is permitted as an accessory to a principal use in the respective district. An accessory use is incidental and subordinate to a principal use, and may be subject to additional standards established in this Chapter.

(f) Prohibited Uses (Blank Cell)
A blank cell in the use table indicates that a use is not permitted in the respective district.

(g) Not Applicable (NA)
A “NA” indicates that the permitted location of a use is not determined by zoning district but other factors, including future land use designation.

404.07  Standards for Uses
The “Standards” column on the use table contains cross-references to standards that are applicable to the limited or accessory use, or the use allowed by special exception or special use permit, which is listed in that row.

404.08  Similar Uses
A use not listed in the use table, but possessing similar characteristics, including but not limited to size, intensity, density, operating hours, demands for public facilities such as water and sewer, traffic and environmental impacts, and business practices, may be allowed upon approval by the Director. Such uses will be determined based on the use category tables and definitions in Chapter 409. Similar uses shall be subject to all requirements of the uses to which they are similar.
Chapter 404. Use Regulations

Article 2. Use Table

404.08.5 Development Review Required
Development plan review may be required for any use authorized under this ULDC in accordance with Chapter 401 or as expressly required by the standards for a specific use as identified in this Chapter. Where a use identifies a requirement for development plan approval, the reviewing body shall be determined by the threshold requirements specified in Chapter 401 unless reviewed by the Development Review Committee is expressly required.
## AGRICULTURAL AND CONSERVATION USES

<table>
<thead>
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<th>Use Categories</th>
<th>Specific Uses</th>
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<th>ARB</th>
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<th>RE, RE-1</th>
<th>R1a, R1a</th>
<th>R1b</th>
<th>R1c</th>
<th>R2, R2a, R3</th>
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Key: P = Permitted Use  L = Limited Use  SE = Special Exception  SU= Special Use  A = Accessory Use  NA = Not Applicable
### Use Regulations

#### Article 2. Use Table

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**Public and Civic Uses**

- **Group Housing**
  - Fraternity or sorority house: P
  - Community residential home, small: L
  - Community residential home, large: SE

**Adult and Child Care**

- Adult or child care center: SE
- Family child care home: L

**Educational Facilities**

- Educational facility, private (pre-K-12): NA
- Educational facility, public (pre-K-12): NA
- Educational facility, vocational, business or technical school: college or university: A

**Community Services**

- Government Buildings and facilities: SU
- Cemetery: L
- Funeral home: SE
- Homeless shelter, principal use: SU
- Homeless shelter, accessory: A
- Soup kitchen, principal use: SU

Key: P = Permitted Use
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## Chapter 404. Use Regulations

### Article 2. Use Table

| Use Categories          | Specific Uses                  | A | AARB | C1 | SE, RE-1 | R1a, R1a | R1b | R1c | R2, R2a, R3 | RM | RM-1 | AP | HMI | BP | BK | BR | BR-1 | BH | BA, BA-1 | BW | ML | MS, MP | MB | TOD/IND | Standards |
|-------------------------|--------------------------------|---|------|----|----------|----------|-----|-----|-------------|----|------|----|-----|----|-----|----|------|----|---------|-----------|-------|
| **Community Services**  | Soup kitchen,                | A | A    | A  | A        | A        | A   | A   | A           | A  | A    | A  | A   | A  | A   | A  | A    | A  | A        | §404.41   |
|                         | accessory                    |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |       |    |          |           |
|                         | Civic organizations         | L | P    | SE | L        | L        | L   | L   | L           | L  | P    | P  | P   | P  | P   | P  | P    | P  | P        | §404.42   |
|                         | and places of worship       |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |       |    |          |           |
|                         | Museum                       | L | L    | L  | L        | L        | L   | L   | P           | L  | L    | P  | P   | P  | L   | P  | L        | §404.43   |
|                         | Commercial Animal           | SE |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          | §404.43   |
|                         | Boarding or Training        |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Facility                     |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Pet rescue                  | L  |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          | §404.44   |
|                         | organization                |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
| **Health and Medical**  | Hospital                     |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          | §404.44.5|
| Facilities**            | Medical clinic or lab        | SE | P    |    | P        | P        | P   | P   | P           | P  | P    | P  | P   | P  | P   | P  | P        | P  |          |           |
|                         | Medical marijuana           |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          | §404.45   |
|                         | dispensary                  | L  | L    | L  | L        | L        |     |     |             | L  | L    | L  | L   | L  | L    | L  | L        | L  | §404.46   |
|                         | Veterinary clinic or         | SE | L    |    | L        | L        | L   | L   | L           | L  | L    | L  | L   | L  | L    | L  | L        | L  | §404.47   |
|                         | hospital                    |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Massage therapist           | L  | L    | L  | L        | L        |     |     |             | L  | L    | L  | L   | L  | L    | L  | L        | L  | §404.48   |
| **Transportation**      | Bus or train station        | SE | SE   | SE | SE       | SE       |     |     |             | SE | SE   | SE | SE   | P  |     |    |          |    |          | §404.48   |
| **Terminals**           | Airport                     |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Helicopter landing pad      | SE |       |    |          |          |     |     |             | SE | SE   | SE | SE   |    |          |    |          |    | §404.48   |
|                         | Private landing strip       | SE |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
| **Utilities**           | Major Utilities, except     | SE | SE   | SE | SE       | SE       |     |     |             | SE | SE   | SE | SE   | SE | SE   | SE | SE       | SE | SE       | §404.49   |
|                         | as listed below             |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Minor Utilities, except     | P  | P    | L  | L        | L        |     |     |             | L  | P    | P  | P   | P  | P   | P  | P        | P  | P        | §404.49   |
|                         | as listed below             |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Broadcasting or             | SE |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          | §404.50   |
|                         | communications tower        |    |       |    |          |          |     |     |             |    |       |    |     |    |     |    |          |    |          |           |
|                         | Amateur radio tower         | A  | A    | A  | A        | A        |     |     |             | A  | A    | A  | A   | A  | A   | A  | A        | A  | A        | §404.50   |

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### Use Regulations

**Chapter 404**

**Article 2. Use Table**

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</table>

**Key:**
P = Permitted Use   L = Limited Use   SE = Special Exception   SU = Special Use   A = Accessory Use   NA = Not Applicable

**Standards**

*Reference source not found.*
## Use Regulations

### Article 2. Use Table

| Use Categories                  | Specific Uses | A | A RB | C-1 | SE | RE | RE-1 | R1a | R1b | R1c | R2 | R2a | R2a, R3 | RM | RM-1 | RP | AP | HM | BP | BK | BK-1 | BH | BA | BA-1 | BW | ML | MS | MP | MB | TOD/IND | Standards |
|---------------------------------|---------------|---|------|-----|----|----|------|-----|-----|-----|----|-----|--------|----|------|----|----|----|----|----|----|-----|-----|----|-----|-----|----|----|----|----|----|       |
| Bank or financial institution | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |       | |
| Gym or fitness center | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |       | |
| Indoor sports training facility | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |       | §404.106 |
| Bed and breakfast | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L |       | §404.70 |
| Rooming House | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |       | §404.71 |
| RV Park/ Campground | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |       | §404.71 |
| Neighborhood convenience center | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L |       | §404.72 |
| Convenience store | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L |       | §404.73 |
| Pharmacy | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L |       | §404.74 |
| Media sales and rental | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L |       | §404.75.5 |
| Large-scale retail | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L |       | §404.75.5 |
## Use Regulations

### Article 2. Use Table

| Use Categories | Specific Uses | A | AARB | C-1 | RE, RE-1 | R1a, R1b, R1c | R4b | R4c | R2, R2a, R3 | RM | RM-1 | RP | AP | HM | BP | BR | BR-1 | BH | BA, BA-1 | BW | ML | MS, MP | MB | TOD/IND | Standards |
|----------------|---------------|---|------|-----|----------|----------------|-----|-----|--------------|----|------|----|----|----|----|----|----|-----|-----|------|------|------|------|----|--------|-----|
| **Flea market** |               |   |      |     |          |                |     |     |              |    |      |    |    |    |    |    |    |     |     |      |      |      |      |    |        |     |
| **Retail Sales and Service** | Media, sexually oriented | L | L | | | | | | | | | | | | | | | | | | | | | | | | | $404.67 |
| **Sex shop** |               |   |      |     |          |                |     |     |              |    |      |    |    |    |    |    |    |     |     |      |      |      |      |    |        |     |
| **Commercial Animal Raising** | Commercial Animal Raising | SE | | | | | | | | | | | | | | | | | | | | | | | | | | $404.67 |
| **Self-Service Storage Facilities** | Self-Service Storage Facilities | L | L | L | L | L | | | | | | | | | | | | | | | | | | | | | | $404.76 |
| **Vehicle Sales and Service** | Vehicle sales and service | P | SE | P | L | L | | | | | | | | | | | | | | | | | | | | | | $404.77 |
| | Vehicle and trailer rental | A | P | P | | | | | | | | | | | | | | | | | | | | | | | | $404.78 |
| | Service station | P | P | SE | | L | | | | | | | | | | | | | | | | | | | | | | $404.78.5 |
| | Vehicle repair | L | P | | | | | | | | | | | | | | | | | | | | | | | | | $404.79 |
| **Fuel Sales** | A | | SE | A | A | A | SE | A | A | | | | | | | | | | | | | | | | | | | | $404.80 |
| **Outdoor Storage and Display** | Outdoor storage | A | | A | A | A | A | A | | | | | | | | | | | | | | | | | | | | | | $404.81 |
| | Outdoor display | A | | A | A | A | A | A | A | | | | | | | | | | | | | | | | | | | | $404.82 |
| **INDUSTRIAL USES** | Wholesaling, Warehousing, Storage and Distribution | SE | SE | | | | P | P | P | | | | | | | | | | | | | | | | | | $404.82.6 |
| | Building supply and lumber sales | | | | | | P | P | P | | | | | | | | | | | | | | | | | | $404.82 |
| | Manufactured and mobile home sales | | | | | | | | | | P | | | | | | | | | | | | | | | | | | $404.82 |
| | Parking of trucks, recreational vehicles and trailers | A | A | A | A | A | A | A | A | | | | | | | | | | | | | | | | | | $404.82.5 |
## Use Regulations

### Article 2. Use Table

#### Use Categories

<table>
<thead>
<tr>
<th>Specific Uses</th>
<th>Key: P = Permitted Use</th>
<th>L = Limited Use</th>
<th>SE = Special Exception</th>
<th>SU = Special Use</th>
<th>A = Accessory Use</th>
<th>NA = Not Applicable</th>
<th>Standards</th>
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## Chapter 404. Use Regulations

### Article 2. Use Table

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**Key:**
- P = Permitted Use
- L = Limited Use
- SE = Special Exception
- SU = Special Use
- A = Accessory Use
- NA = Not Applicable
Article 3 Agriculture

404.09 Agricultural Uses
Agricultural uses are permitted by right in the A and A-RB districts, and are allowed as limited uses in all other districts only on properties of one acre or more, except as otherwise prohibited in §404.13 for raising of poultry and livestock on less than five acres. Growing and processing of all other agricultural products for personal use is permitted on any property in the unincorporated area.

(a) Agritourism and Ecotourism Activities
1. Agritourism and ecotourism activities such as tours, farm meals, classes, wildlife observation, workshops and other educational activities are permitted as accessory to an ongoing agricultural use.
   a. An operation offering such activities must have direct access to a public road meeting county standards for sufficient right-of-way, minimum width, stabilization requirements and maintenance.
   b. Any related site alteration or construction of temporary or permanent structures not otherwise required for the ongoing agricultural operation shall be subject to building permit and development plan approval and all applicable development standards in Chapter 407 of this ULDC for that portion of the site proposed for use as part of the agritourism or ecotourism activity.
2. Restaurants and tasting rooms may be allowed as accessory to an ongoing agricultural use subject to the standards of §404.67.5 of this Chapter.
3. Bed and breakfast facilities may be allowed as accessory to an ongoing agricultural use subject to the standards of §404.70 of this Chapter.

404.10 Agricultural Processing, Offsite
Offsite agricultural processing is allowed as a limited use in the A, A-RB, BW, ML, MS and MP districts subject to development plan approval and the following standards, as well as any applicable state or federal regulations.

(a) Sale of Products
1. Onsite sale of agricultural products processed or packaged at the facility is permitted.
2. Temporary seasonal sales of additional agricultural products that are not processed at the facility may be approved by the Director in accordance with Chapter 402, Article 25, Temporary Use Permits.
3. 

(b) Enclosure of Activities
Where processing activities are not located within enclosed buildings, a medium density buffer, as defined in Table 407.43.2, shall be provided at the edge of the development area.
Chapter 404. Use Regulations
Article 3. Agriculture

(c) Minimum Setbacks
The minimum setback of any structure housing processing activities shall be 100 feet. The reviewing body may approve a setback of as little as 50’ where a medium density buffer, as defined in Table 407.43.2 is provided at the property line.

404.11 Produce Stand
Produce stands are allowed as limited uses in the A, A-RB, BR, BR-1, BH, BA, BA-1, and MB districts, and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards.

(a) A (Agriculture) District
Within the A district, produce stands shall only be allowed as accessory to a working farm. Sales in a roadside produce stand shall be limited to only produce and related value added goods produced in accordance with federal and state regulations. Up to 20 square feet of sales area may be devoted to the sale of prepackaged foods and beverages, subject to any applicable federal and state regulations.

(b) Commercial Districts A-RB, BR, BR-1, BH, BA, BA-1 and MB
Produce stands may be permitted as a principal use or accessory to an existing principal use.

(c) Structures and Outdoor Sales Areas
1. Produce may be sold from permanent or temporary structures.
2. The area of the structure(s) and outdoor sales areas from which products are sold to the public shall not exceed 500 square feet. Additional area for temporary seasonal sales of additional agricultural products may be approved by the Director in accordance with Chapter 402, Article 25, Temporary Use Permits.

(d) Signage
Signage shall be allowed pursuant to the provisions of Chapter 407, Article 3, Signs.

(e) Review
Produce stands require development plan approval in accordance with Chapter 402, Article 10, Development Plan Review. For those produce stands that qualify for administrative development plan review, the following information shall be submitted:

1. A general development plan including property boundaries, access to the site, location of tents or other temporary structures, outdoor sales areas, parking and signs, lighting, utilities, generators and other mechanical equipment, waste collection bins and setbacks of all structures, equipment, and sales areas from adjacent properties.
2. All approved plans or permits for sanitation and public health protection including temporary bathroom facilities, inspection of food facilities, and drainage as required by the Alachua County Health Department and the Department of Agriculture and Consumer Services.
404.12  RESERVED

404.13  Poultry or Livestock on Parcels Less Than Five Acres

(a) Livestock on Parcels Less Than Five Acres

The keeping of livestock on less than five acres is allowed as a limited use within the A, A-RB, RE or RE-1 districts, subject to the following standards.

1. **Permitted Activities**
   
   Livestock permitted in this Section shall be for personal use only, except youth projects such as 4-H/FFA activities.

2. **Prohibited Activities**

   The commercial raising of animals shall be prohibited on parcels of five acres or less.

3. **Setbacks**

   Structures that are used to house livestock kept for personal use shall not be located closer than 50 feet to the property line.

4. **Nuisance Prohibited**

   The keeping of all livestock on parcels less than five acres shall be done in such a manner as to control noxious odors and the breeding of rodents, flies or other insects, so as not to create a nuisance of any kind.

5. **Livestock Limitations**

   The number of livestock permitted on parcels less than five acres in size shall comply with Table 404.13.1 below.

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>Limit</th>
<th>Min Parcel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horses and Other Equine Animals</td>
<td>1 per acre</td>
<td>1 acre</td>
</tr>
<tr>
<td>Cattle</td>
<td>1 cow/calf unit per 1.5 acres</td>
<td>1 acre</td>
</tr>
<tr>
<td>Goats and Sheep</td>
<td>10 per acre</td>
<td>1 acre</td>
</tr>
<tr>
<td>Hogs(^1)</td>
<td>1 per acre</td>
<td>1 acre</td>
</tr>
</tbody>
</table>

\[^1\] Standards for Vietnamese pot-bellied pigs are listed separately in §404.13(c).

(b) Poultry on Parcels Less Than Five Acres

1. **Permitted Uses**

   a. The keeping of up to six laying hens is allowed as accessory to any legal single family residence for personal use, regardless of the zoning designation of the property.

   b. The keeping of chickens and other poultry and fowl is allowed on parcels one acre or greater in the A, A-RB, RE and RE-1 districts at a density of 40 per acre. Commercial raising of chickens and other poultry is only permitted in the A and A-RB districts.

   c. The harvesting of poultry raised onsite may occur only in accordance with applicable federal and state regulations.
2. **Prohibitions**
   a. The raising of all chickens and other poultry shall be done in such a manner as to control noxious odors and the breeding of rodents or other insects, so as not to create a nuisance of any kind, including keeping feed in enclosed containers and disposing of waste regularly.
   b. Roosters are prohibited in residential zoning districts.
   c. Poultry and poultry byproducts shall not be sold on the premises, except as an accessory to commercial raising in the A and A-RB districts in accordance with federal and state regulations.

3. **Enclosures and Setbacks**
   a. All chickens raised for personal use shall be housed within covered and fenced enclosures, either movable or stationary.
   b. Chickens may be permitted to roam freely within fenced areas of lots during daylight hours.
   c. Covered or fenced enclosures for housing the chickens shall be subject to the accessory setbacks established in Chapter 403 for the zoning district or in Article 7 of Chapter 407 for a Traditional Neighborhood or Transit Oriented Development.

(c) **Vietnamese Pot-bellied Pigs on Parcels Less Than Five Acres**

The keeping of Vietnamese pot-bellied pigs is allowed as a limited use in the A, A-RB, RE and RE-1 districts, and in residential districts within Rural Clusters, subject to the following standards.

1. Minimum lot area shall be one-half acre.
2. The number of Vietnamese pot-bellied pigs allowed on a parcel less than five acres shall be one pig per half-acre.
3. Commercial raising of pot-bellied pigs shall be prohibited.
4. The keeping of pot-bellied pigs shall be done in such a manner as to control noxious odors and the breeding of rodents, flies or other insects, so as not to create a nuisance of any kind.
5. Structures used to house the pig(s) shall not be located closer than 25 feet to the property line.

404.13.1 **Community Garden**

Community gardens are allowed as a limited use in all zoning districts, in Traditional Neighborhood and Transit Oriented Developments, and in designated secondary open space and common areas within developments including planned developments, subject to the following standards:

(a) **Garden Management**

Each community garden shall post a sign at the site with the name and contact information of the person or entity responsible for the garden, and may also include the name of the garden. The sign shall not exceed six square feet in area. If the sign is a freestanding sign it shall be no more than four feet tall.
(b) Site Design

1. Use of the site shall be subject to all standards in this ULDC and to any approved development plan.

2. The following accessory buildings or structures may be permitted on site in conjunction with a community garden:
   a. Greenhouses used for plant cultivation;
   b. Sheds used for tool and materials storage; and
   c. Seasonal farm stands if approved by the Director in accordance with Chapter 402, Article 25, Temporary Use Permits.

(c) Sustainable Practices Encouraged

Site users are encouraged to use sustainable gardening practices, such as organic techniques, and the use of non-organic pesticides is discouraged.

404.13.2 Farmers Market

Farmers markets are allowed as a limited use in the A, A-RB, RP, AP, BP, BR, BR-1, BH, BA, BA-1, and BW districts, and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards:

(a) Compliance

All farmers markets and their vendors shall comply with all federal, state and local laws and regulations pertaining to the operation and use of the market. Copies of any required operation or health permits must be kept on site by the market manager and/or vendors during all hours of operation.

(b) Development Plan Required

1. Farmers Market as a Principal Use

Farmers markets proposed as a principal use of a site shall be subject to development plan approval by the Development Review Committee to address issues such as stormwater, parking and circulation, signage and setbacks to adjacent properties.

2. Farmers Markets as an Accessory Use

Farmers markets proposed as an accessory use shall require development plan approval to address issues such as stormwater, parking and circulation, signage and setbacks to adjacent properties.

(c) Sanitation and Health

Plans for sanitation and public health protection including temporary bathroom facilities, drainage, and garbage and litter control, shall be approved by the Public Works Department and Health Department as needed.

404.13.3 Mobile Farmers Market

Mobile farmers markets are allowed as a limited use in the A, A-RB, RP, AP, BP, BR, BR-1, BH, BA, BA-1, and BW districts, and in Traditional Neighborhood and Transit Oriented Developments, and as an accessory use to a government facility, civic organization, or place of worship in any zoning district, subject to the following standards:
(a) Permitting
Mobile farmers markets shall obtain a permit from the Growth Management Department. Permits shall include a list of all properties where the mobile market will stop along with written permission from the owner(s) of each property authorizing the operation of the mobile farmers market in accordance with the standards of this ULDC.

(b) Compliance
1. All mobile farmers markets shall comply with all federal, state and local laws and regulations pertaining to their operation and use. Copies of any required operation or health permits must be kept with the mobile unit by the vendor during all hours of operation.
2. Commercially prepared and commercially prepackaged seafood, meats, and milk may be sold in addition to, but not without the concurrent sale of uncut perishable fruits, vegetables and/or herbs.
3. Prepared foods that are meant for consumption on site are not permissible, except where prepared as part of a cooking demonstration for educational purposes.

(c) Sales Areas
1. Mobile farmers markets shall not conduct business in any way that creates a hazard to pedestrians, life or property, or obstructs vehicular circulation, pedestrian circulation, access to emergency exists or that creates a traffic hazard or nuisance on or off the site.
2. No drive-through sales are allowed.
3. The vendor must keep the sidewalks, parking areas and other areas adjacent to the unit clean and free of refuse of any kind generated from their operation.

(d) Hours of Operation
Mobile farmers markets shall be limited to the hours of operation between 7:00 AM and 9:00 PM.

(e) Prohibitions
Mobile farmers market sales are prohibited in the following areas:
1. Within 25 feet of any loading zone or transit stop;
2. Within 25 feet of any fire hydrant, fire escape or fire control device;
3. Within 25 feet of any ADA parking space in such manner to restrict mobility or within 25 feet of any access ramp designated for persons with disabilities; or
4. Within the building setback area required by the zoning district.

404.14 Dairy, Commercial
Commercial dairies may be allowed by special exception in the A district, subject to the following standards.
(a) Industrial Discharge Permit Required

All proposed dairies shall require an approved industrial discharge permit from the Florida Department of Environmental Protection (FDEP). The owner/operator of each dairy shall submit a copy of all correspondence to the FDEP relating to permit applications, permit violations, noncompliance, unauthorized discharges, and any monitoring results to the Alachua County Department of Environmental Protection.

(b) Development Plan Requirements

A commercial dairy must obtain development plan approval through the Development Review Committee (DRC), providing a conceptual site plan and a groundwater monitoring plan.

1. Conceptual Site Plan

Any party requesting a special exception for a dairy shall be required to submit a conceptual site plan developed by a registered professional engineer.

a. The conceptual site plan shall incorporate current FDEP best management practices for dairies and shall include:
   i. County tax assessor's parcel numbers, address and legal description for the site of the proposed facility.
   ii. Name, address, and telephone number of the owner and operator of the proposed facility.
   iii. Total gross acreage of the property, showing the general location of existing and proposed facilities (including buildings, ingress and egress, setbacks, storage areas, holding ponds, surface water features, and disposal areas associated with the proposed dairy). The site plan shall be submitted at an appropriate scale that shows sufficient detail of the proposed facility and site operations.
   iv. A description of the existing and proposed disposal areas for wastewater shall be provided. This description should include all disposal areas and/or cropland designated to receive dairy wastes.

b. The conceptual site plan may be altered during the review process.

c. The applicant may submit the nutrient management plan required by the FDEP industrial discharge permit in order to satisfy the requirements of this section if items (i) through (iv) above are addressed.

2. Groundwater Monitoring Plan

If the special exception is approved, a groundwater monitoring plan (GMP) must be submitted for approval by the Development Review Committee (DRC). The applicant may submit a copy of the GMP that may be required by the FDEP industrial discharge permit in order to satisfy the requirements of this section.

a. The DRC shall review the GMP based on soil and aquifer types, size of the proposed dairy, direction and rate of groundwater flow, background water quality, vertical permeability, wastewater volume and surrounding land uses.
Primary and secondary drinking water standards listed in Florida Administrative Code section 62-550 may not be exceeded, except as provided in section 62-28 Florida Administrative Code, and no violations of surface water quality criteria listed in Florida Administrative Code section 62-302 may occur; demonstration of this may be accomplished by appropriate soil, hydrogeologic and hydraulic studies.

b. Zones of discharge shall not extend a distance closer than 150 feet from the applicant’s property boundary.

3. Revision of Development Plan

Any major deviation from an approved development plan of a permitted dairy shall require re-submittal for approval through the special exception process.

404.14.5 Rural Event Center or Arena

Rural event centers or arenas are allowed as a limited use in the A district, subject to development plan approval by the Development Review Committee and in accordance with the following standards.

(a) The minimum lot area shall be twenty acres.

(b) The site must be served by a public road. If located on an unpaved road, a maintenance agreement may be required.

(c) A medium-density, 25-foot wide buffer, in accordance with Chapter 407, shall be provided between the facility and adjacent properties. The Development Review Committee may increase this buffer to a 50-foot width where the operation is adjacent to residential uses. All temporary structures such as tents, stages and dance floors shall be located a minimum of 50 feet from the property line.

(d) Only those activities or events consistent with the Rural/Agriculture policies of the Comprehensive Plan shall be allowed.

(e) If an owner/operator does not live on or adjacent to the site, they must seek approval as a special exception from the Board of County Commissioners.

(f) All structures that will be used by the public for events shall be constructed in accordance with the Florida Building Code.

(g) No events may be held during the week, or between the hours of 11 PM and 7 AM Friday through Sunday, unless otherwise approved as part of a special exception by the Board of County Commissioners, or as a Temporary Use Permit in accordance with Article 25 of Chapter 402 of this ULDC. Any multi-day events must be submitted for approval as a temporary use permit.

(h) The property must have adequate space available for parking on-site. Parking off-site is prohibited.

(i) Overnight stay is prohibited unless otherwise approved as a special exception by the County Commission, or under the requirements for a bed and breakfast per §404.70 of this ULDC, a hunting or fishing camp per §404.109 of this ULDC, or a recreational camp under §404.111 of this ULDC.

(j) As part of the application for a rural event center or arena, the owner/operator shall submit an Operations Plan including the following information;
1. A copy of the site plan indicating the location of the primary residence, parking area(s), ingress/egress point(s), maximum capacity anticipated on the site, and the location, size and maximum capacity of all existing or proposed permanent and temporary structures.

2. A traffic control plan that identifies sufficient ingress and egress for emergency vehicles and provides for the orderly and safe arrival, parking and departure of all vehicles using means such as parking attendants, shuttle service, law enforcement service, directional signage, etc. Additional traffic control measures may be required.

3. Plans for sanitation and public health protection including bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling, as required by the Florida Department of Health and Alachua County Waste Management.

(k) Event venues shall post an updated schedule of future events to their website and an annual/seasonal schedule of future events shall be mailed to all adjacent property owners and to all neighbors within 300 feet of the subject property line at least two weeks prior to the beginning of the first of the year, with a copy provided to the Department. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.

404.15 Farm Machinery and Lawn and Garden Equipment Repair

Farm machinery and lawn and garden equipment repair is permitted by right in the following districts: A-RB, BA, BA-1, MS and MP. Where permitted as a limited use in the A district, a farm machinery or lawn and garden equipment repair facility shall operate only as a rural home-based business in compliance with the standards of §404.63 of this Chapter.

404.16 Wood Processing Facilities

Wood processing facilities may be allowed by special exception in the A district subject to the following standards.

(a) Minimum Lot Size

The minimum lot area shall be 15 acres.

(b) Minimum Square Footage

The total square footage of all structures used for the wood processing facility shall not exceed 50,000 square feet, unless otherwise approved as part of the special exception.

(c) Access

The site shall have direct access on a paved public road, unless otherwise approved as part of the special exception. If approved on an unpaved road, a maintenance agreement may be required.

(d) Setbacks

All buildings and stock piles shall meet the required setbacks of the zoning district or the setbacks that would be required to meet Florida Fire Prevention Code standards, whichever is greater.

(e) Buffering

At minimum, a 25 foot wide medium density buffer consistent with Table 407.43.2 in Chapter 407 of this ULDC shall be provided if the facility is located adjacent to.
existing single family uses or property with residential zoning. Buffers may be increased and may also be required from other adjacent uses if warranted based on an analysis of the noise, dust, visual impact, or other potential negative impacts of the Wood Processing Facility on those adjacent uses.

(f) **Storage of Materials**

All materials processed or stockpiled shall be screened from view of a public right-of-way by an opaque fence or wall or by existing landscaping that provides equal opacity.

(g) **Florida Fire Prevention Code**

The facility and operations must comply with the Florida Fire Prevention Code.

(h) **Operations Plan**

As part of the special exception application, an Operations Plan shall be submitted that includes the following information:

1. Site plan that indicates the type and location of all proposed activities, buffers, buildings, parking, storage of any wood or wood products, equipment or materials and ingress and egress.

2. Manner of processing wood products at the facility, including specifics on recycling, hauling, composting, hazardous materials management, noise, odor and air pollution controls and other operations.

3. Whether or not any of the processed wood will be available for retail sale, with all sales areas indicated on the site plan.

4. How the facility and operations comply with the Florida Fire Prevention Code.

5. Days and hours of operation.

404.17 **RESERVED**

404.18 **Kennel, Cattery or Private Animal Shelter**

A kennel, cattery or private animal shelter is allowed as a limited use in the A, RE and RE-1 districts, subject to development plan approval by the Development Review Committee and in accordance with the following standards. Where the total number of domesticated animals exceeds 20 (or for a private animal shelter operated by a certified 501(c)3 organization 40 animals), a facility may only be allowed as a special exception, subject to the following standards.

(a) **Kennel**

1. The minimum lot area shall be five acres.

2. All outdoor areas allocated for use by dogs shall be fenced or walled to safely contain the animals.

3. Structures housing dogs shall be completely enclosed and designed to suppress noise.

4. The structure housing dogs and any outdoor areas allocated for use by such dogs shall be located a minimum of 100 feet from any property line.

5. A medium-density, 25-foot wide buffer, as described in §407.43(b)2, shall be provided between the facility and adjacent properties. The reviewing body may increase this buffer to a 40-foot wide high density buffer where the operation is adjacent to residential uses.
Chapter 404. Use Regulations
Article 3. Agriculture

6. Hours of operation, including times for feeding and use of outdoor areas by the dogs, shall be between 7 a.m. and 9 p.m.
7. No rural kennel shall accommodate more than 50 dogs at any one time.
8. Methods of waste disposal and odor abatement shall be detailed as part of the review process.
9. A single family residence shall be allowed on the site.

(b) Cattery
1. The minimum lot area shall be five acres.
2. All outdoor areas allocated for use by the animals shall be fenced or walled to safely contain the animals.
3. Enclosed structures shall be provided such that the animals have access to shelter from the elements.
4. Structures housing the animals and any outdoor areas allocated for use by such animals shall be located a minimum of 100 feet from any property line.
5. A medium-density, 25-foot wide buffer, as described in §407.43(b)2, shall be provided between the facility and adjacent properties. The reviewing body may increase this buffer to a 40-foot wide high density buffer where the operation is adjacent to residential uses.
6. Hours of operation, including times for feeding and maintenance, shall be between 7 a.m. and 9 p.m.
7. No rural cattery shall accommodate more than 125 cats and/or ferrets at any one time.
8. Methods of waste disposal and odor abatement shall be detailed as part of the review process.
9. A single family residence shall be allowed on the site.

(c) Private Animal Shelter
1. No facility shall accommodate more than 50 dogs or 125 cats or ferrets at any one time, unless the applicant provides proof of the facility’s nonprofit status as a 501(c)3 and the additional animals are approved by the County Commission as part of a special exception. Litters younger than six months of age shall not count against these totals.
2. The minimum lot area shall be five acres. Facilities designed to exceed the thresholds of 1. shall have a minimum lot area of eight acres.
3. All outdoor areas allocated for use by the animals shall be fenced or walled to safely contain the animals.
4. Structures on the site shall be designed to provide appropriate shelter, noise reduction, and odor prevention, as appropriate for the type of animal and adjacent uses.
5. Structures allocated for housing animals and any outdoor areas allocated for use by such animals shall be located a minimum of 100 feet from any property line.
6. A medium-density, 25-foot wide buffer, as described in §407.43(b)2, shall be provided between the facility and adjacent properties. The reviewing body
may increase this buffer to a 40-foot wide high density buffer where the
operation is adjacent to existing residential uses.

7. Hours of operation, including times for feeding and use of outdoor areas by
dogs, shall occur between 7 a.m. and 9 p.m. Visitation hours for the public
may be further restricted by the reviewing body. The operator shall be
responsible for any improvement identified by the reviewing body as
necessary to accommodate public access to the site.

8. Methods of waste disposal and odor abatement shall be detailed as part of the
review process.

9. A single family residence shall be allowed on the site.

10. All facilities with more than 20 animals that maintain a 501(c)3 status shall be
operated in cooperation with a local veterinarian. An annual letter from the
veterinarian certifying the facility shall be submitted to the Growth
Management Department.

404.18.5 Animal Sanctuary
An Animal Sanctuary may be allowed as a special exception in the A and C-1 districts, subject to
the following standards.

(a) In the C-1 district, only those facilities designed to further the conservation
objectives of the Comprehensive Plan shall be permitted.

(b) Any required permits for Class I, II or III captive wildlife must be obtained from
the Florida Fish and Wildlife Conservation Commission in accordance with
Chapter 68A-6, F.A.C. (see www.myFWC.com), as a condition of approval for an
application for a special exception. A copy of the approved permit must be
provided to the Department prior to beginning operations.

404.19 Farmworker Housing
Farmworker housing may be allowed through special exception in all zoning districts except the
C-1, Conservation district, as an accessory use to an agricultural activity for workers employed on a
full-time basis, and subject to the following standards.

(a) Types of Farmworker Housing
Farmworker housing may be provided in the form of permanent dwellings or
manufactured or mobile homes.

(b) Maximum Density
1. Permanent Dwellings
Permanent farmworker housing shall comply with the density requirements of
the zoning district in which the units are located.

2. Manufactured or Mobile Homes
Dwelling units capable of being moved, including manufactured or modular
housing, may exceed the density requirement of the zoning district provided
that the following requirements are met.

a. Movable farmworker housing shall be accessory to the operation of an
intensive agricultural activity.

b. The applicant shall submit the following materials:
i. evidence of a current agricultural *ad valorem* tax exemption issued by the Alachua County Tax Collector;

ii. an affidavit, signed by the owner or operator of the agricultural activity stating the farmworker housing shall only be used by fulltime employees of that activity; and

iii. a housing removal agreement with a requirement that all housing units shall be removed within 90 days after the agricultural activity has ceased.
Article 4  Household Living

404.20  RESERVED

404.21  Manufactured Home
A manufactured home is allowed as a limited use on an individual lot within the A, R-1c, and RM districts, subject to the following standards.

(a)  Installation Standards
The installation of all manufactured housing for residential purposes shall comply with the following standards.

1.  Certification
The unit shall be labeled or possess documents certifying construction in compliance with the National Manufactured Housing Construction and Safety Standards Act.

2.  Transportation Apparatus
The wheels, axles, tongue, towing apparatus and transporting lights shall be removed prior to final installation of the unit.

3.  Foundation Screening
A skirting or a curtain wall shall be installed and maintained to enclose the entire foundation area and all area below the bottom of a unit. The skirting or curtain wall shall be a continuous, complete, opaque and rigid surface that lends permanency to the appearance of the unit and completely screens the crawl space below the unit.

(b)  Manufactured Home Storage

1.  Storage Permitted
Unoccupied manufactured homes shall be permitted in districts in which the sale and rental of manufactured and mobile homes is allowed or may be stored in a manufactured or mobile home park.

2.  Storage in Other Zoning Districts
Manufactured homes not used for living purposes may be stored in any other district provided they are contained within a completely enclosed garage or building.

404.22  Mobile Home
A mobile home is allowed as a limited use on an individual lot within the A, R-1c, and RM districts, subject to the following standards.

(a)  Mobile Home Inspection and Certification Requirements
Mobile homes shall comply with the following inspection and certification requirements.

1.  Compliance with State Requirements
a.  Mobile homes shall be certified in compliance with Chapter 320, Florida Statutes regarding construction, alteration, modification, remodeling and repair of such units; and Section 15C-2.0081, Florida Administrative
Code, regarding the repair and remodeling of mobile homes. Certification inspections of any repairs or remodeling shall be made by a licensed manufactured home dealer or a licensed inspection agency.

b. Any fees associated with the certification inspection shall be paid by the owner of the unit.

2. **Mobile Home Installation Standards**

   A mobile home shall not be used as a residence unless the installation complies with each of the following requirements.

   a. Every mobile home not placed on a permanent foundation, as defined in Chapter 409, shall be located on an approved support system and be properly anchored in accordance with the manufacturer’s specifications and Chapter 320.8325, Florida Statutes and Chapter 15C-1.010, Florida Administrative Code.

   b. Mobile homes which are to be located within an area of special of flood hazard as defined by Chapter 406 of the Alachua County Code related to flood hazards, shall comply with the additional anchoring and elevation requirements of that ordinance.

   c. Electrical inspection shall be required and shall comply with the requirements of the National Electrical Code.

   d. A building permit shall be obtained prior to the installation of a mobile home on any mobile home park lot or parcel of land within Alachua County. Such permit shall be deemed to authorize placement, erection and use of the manufactured or mobile home only at the location specified in the permit. The building permit shall be posted prominently on the manufactured or mobile home before such manufactured or mobile home is moved onto the site.

3. **Mobile Home Storage**

   a. Unoccupied mobile homes shall be permitted in districts permitting the sale and rental of manufactured and mobile homes, or may be parked and stored in a manufactured/mobile home park.

   b. Mobile homes not used for living purposes may be stored in any other district provided they are contained within a completely enclosed garage or building.

**404.23 Manufactured or Mobile Home Park**

A manufactured or mobile home park is allowed as a limited use in the RM district, and shall comply with all requirements in Article 6 of Chapter 403.

**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 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.

(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 1000 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 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 §407.110.

(h) **Subdivision**

An accessory unit may not be sold separately unless properly subdivided in accordance with Chapter 407, Article 8, Subdivision Regulations.
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.

SECURITY QUARTERS

Security quarters are allowed as an accessory use in the RM, RM-1, RP, AP, BP, HM, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP, and MB districts and in Traditional Neighborhood and Transit Oriented Developments. A single unit may be permitted on the premises of the principal use, subject to the following standards. In addition, security quarters are allowed in the A, A-RB, C-1, RE, RE-1, R-1aa, R-1a, R-1b, R-1c, R-2, R-2a and R-3 districts for government buildings and facilities, subject to development plan review and the additional standards in subsection (c) of this Section.

(a) Location

A security quarters may be attached or detached from a principal structure and may be a manufactured home.

(b) Standards

Each security quarters shall comply with all standards applicable within the zoning district, including required setbacks and building height limits.

(c) Additional Standards for Government Facilities in Other Districts

1. Property Size

The property on which the principal use is located must be at least five acres.

2. Location and Screening

Where the property is adjacent to existing residential uses or parcels with residential zoning, the appropriate location and screening requirements necessary to minimize impacts to residential areas shall established by the Development Review Committee.

MODEL HOME

A model home is allowed as an accessory use in the A, RE, RE-1, R-1aa, R-1a, and R-1b, R-1c, R-2, R-2a, and R-3 districts and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards.

(a) Up to 10 percent of the lots of a development may be used for model homes or temporary parking but in no case shall a development have more than five model homes.

(b) If a sales office is located in the model home, it is restricted to 20 percent of the floor area of the unit.

(c) Permanent, hard surface parking shall not exceed that allowed for similar residential structures within the same development. Temporary parking, such as mulch, gravel or removable paving may be allowed on the adjoining lot or lots.
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(d) One sign, no larger than 7.5 square feet, may be allowed per unit.

(e) When all lots within a development are developed, the home may no longer be used as a model home or office.
Article 5    Group Housing

404.27    Assisted Living Facility
An assisted living facility is allowed as a limited use in the R-2, R-2a, R-3, RP, and HM districts, and in Traditional Neighborhood and Transit Oriented Developments subject to the following standards.

(a) Compliance
An assisted living facility (ALF) shall comply with the requirements of Chapter 429, Part I, Florida Statutes.

(b) Minimum Living Space
A minimum of 300 square feet of indoor living space shall be provided for each occupant of an ALF.

(c) Density Calculation
For purposes of determining the maximum number of ALF units in relation to the Comprehensive Plan future land use classification of residential density ranges, the following density calculations shall apply.

1. For ALFs that are constructed as single-family or multiple-family residential dwellings, 2.5 ALF units shall be the equivalent of one dwelling unit.
2. For ALFs that are operated with congregate living facilities, every four beds shall be the equivalent of one dwelling unit.

404.28    Community Residential Home, Small
A small community residential home, housing six or fewer residents, is allowed as a limited use in the A, RE, RE-1, R-1aa, R-1a, R-1b, R-1c, R-2, R-2a, R-3, and in Traditional Neighborhood and Transit Oriented Developments subject to the following standards.

(a) The home shall not be located within a radius of 1,000 feet of another existing small community residential home.

(b) Such a home shall only be occupied by persons meeting the definition for a resident in F.S. 419.001, and not by persons found by a court to have committed a delinquent act.

(c) The establishment must conform to setback and height regulations for the zoning district.

(d) The home shall be located to assure the safe care and supervision of all clients.

404.29    Community Residential Home, Large
A large community residential home, housing seven or more residents, may be allowed as a special exception in the A district, or as a limited use in the R-2, R-2a, R-3, and RP districts and in Traditional Neighborhood and Transit Oriented Developments subject to the following standards.

(a) The home shall not be located within a radius of 1,200 feet of another existing large community residential home, or within 500 feet of existing areas of single-family zoning.

(b) Such a home shall only be occupied by persons meeting the definition for a resident in F.S. 419.001, and not by persons found by a court to have committed a delinquent act.
(c) The establishment must conform to existing regulations for the zoning district and design standards applicable to multifamily uses.

(d) The home shall be located to assure the safe care and supervision of all clients.
Article 6  Adult and Child Care

404.30  RESERVED

404.31  Adult or Child Care Center

Adult or child care centers, as defined by Chapter 402 and Chapter 429, Florida Statutes, are allowed as limited uses in the R-1b, R-2, R-2a, R-3, RP, AP, BP, HM, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP and MB districts and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards. Within the A, A-RB, RE, RE-1, R-1aa, R-1a, and R-1c districts, child care centers are only allowed by special exception and must be accessory to government buildings or facilities, civic organizations, places of worship, or hospitals. All adult or child care centers are subject to the following standards.

(a) Standards for all Adult or Child Care Centers

1. Licensing
   An adult day care center or child care facility shall be licensed in accordance with Florida Statutes.

2. Vehicle Circulation
   In addition to the requirements of Chapter 402, Chapter 402Article 2, an applicant for a child care center shall provide a vehicular circulation plan showing onsite queuing and circulation based upon the location and number of patrons that utilize the facility.

3. Recreational Facilities
   Outdoor recreational facilities shall be located in the rear yard for child care centers within residential zoning districts.

4. Landscaping
   In addition to the landscaping requirements of Article 4 of Chapter 407, one additional shade tree per 1,000 square feet of outdoor play or activity area shall be installed.

5. Setbacks from Residential
   All stationary play equipment, dumpsters, garbage cans or recycling bins, and similar equipment shall be located at least 50 feet from any abutting residential property line and 25 feet from any abutting multi-family residential property.

6. Hours of Operation
   Unless otherwise approved as part of a special exception, adult or child care centers within residential areas shall not operate between the hours of 7:00 PM and 6:00 AM.

7. Parking
   Parking areas for adult or child care centers that are located within the single-family residential districts shall be located to the side or rear of the principal building. Parking areas for child care centers located within Traditional Neighborhood or Transit Oriented Developments must meet all requirements...
of Chapter 407, Article 7, Traditional Neighborhood and Transit Oriented Developments.

(b) Additional Standards for Adult or Child Care Centers Approved by Special Exception

1. Maximum Building Size
   The maximum size of the adult or child care center shall be conditioned as part of the special exception based on the size of the principal use, lot size and compatibility with surrounding uses.

404.32 Family Child Care Home
Family child care homes, as defined by Chapter 402, Florida Statutes, are allowed as limited uses in the A, RE, RE-1, R-1aa, R-1a, R-1b, R-1c, R-2, R-2a, R-3, and RP districts, and in Traditional Neighborhood and Transit Oriented Developments. A family child care home shall comply with all applicable requirements of Chapter 402, Florida Statutes.

404.33 RESERVED
Article 7  Educational Facilities

404.34  Educational Facility, Public or Private
Where educational facilities may be allowed as a limited use or special use permit, the following standards shall apply. The determination of whether a facility is a limited use or requires a special use permit depends on the future land use designation of the property, based on Table 404.34.1 below.

(a) Location

1.  Public educational facilities
   Public educational facilities shall be allowed either as a limited use or by special use permit in all zoning districts except C-1, RM-1, BW, ML, MS, MP, and MB subject to the requirements of Table 404.34.1 below.

2.  Private educational facilities
   Private educational facilities shall be allowed either as a limited use or by special use permit in all zoning districts except C-1, RM-1, BW, ML, MS, MP, and MB subjects to the requirements of Table 404.34.1 below.

Table 404.34.1  
Educational Facilities and Future Land Use Categories

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Public</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density Res.</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>Medium Density Res.</td>
<td>L</td>
<td></td>
</tr>
<tr>
<td>Medium-High Density Res.</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>High Density Res.</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Office</td>
<td>SU</td>
<td>L</td>
</tr>
<tr>
<td>Commercial</td>
<td>SU</td>
<td>L</td>
</tr>
<tr>
<td>Light Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional (in Urban Cluster)</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Institutional (not in Cluster)</td>
<td>SU</td>
<td>L</td>
</tr>
<tr>
<td>Estate Res.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural/Ag</td>
<td>SU(^1)</td>
<td>SU(^1)</td>
</tr>
<tr>
<td>Rural Cluster</td>
<td>SU</td>
<td></td>
</tr>
<tr>
<td>Rural Employment Center</td>
<td>SU</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
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<tr>
<td>Conservation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preservation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourist Entertainment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) New private educational facilities are allowed in the Rural/Ag land use only as accessory uses to government buildings or facilities, civic organizations or places of worship.

3.  Facilities in Activity Centers and Special Area Studies
   Educational facilities with any land use category designated within activity centers or special area studies shall be allowed as a limited use subject to specific policies within the Comprehensive Plan and the activity center implementing master plans or special area plans located in Chapter 405 of this ULDC.
(b) General Standards

The following standards shall apply to all educational facilities.

1. Accessibility
   a. Sites for all schools shall be located on publicly maintained paved roads.
   b. Direct access to middle and senior high schools shall be available from a collector or arterial road.
   c. All schools shall be linked with surrounding residential areas by bikeways and sidewalks.
   d. All schools shall be designed to accommodate public bus transportation and/or other means of public transit.

2. Minimum Setbacks
   All buildings shall comply with the yard and setback requirements of the district in which they are located; and, in no case shall be less than 25 feet on the front, 20 feet in the rear, and 10 feet on interior side, and 25 feet on street side.

3. Outdoor Lighting
   Any lighting installed for sports facilities or parking areas shall be consistent with the standards of Article 14, Outdoor Lighting, of Chapter 407 and with (c)3 below.

4. Vehicular Circulation
   In addition to the requirements of Chapter 402, Article 2, an applicant shall provide a vehicular circulation plan, showing onsite queuing and circulation, vehicle stacking, drop-off areas and interior roads, based upon the location of and number of patrons that utilize the facility.

(c) Additional Requirements for Private Educational Facilities

In addition to the standards specified above, the following standards shall apply to all private educational facilities.

1. Hours of Operation
   No activities shall be conducted on-site between the hours of 11:00 PM and 6:00 AM unless approved otherwise as part of a special use permit.

2. Additional Buffering
   All private facilities shall meet the landscape buffer requirements in Article 4, Landscaping, of Chapter 407. For facilities serving 100 or more students, a minimum 25-foot wide medium-density buffer shall be maintained along any boundaries adjacent to residential areas or as required by Chapter 400, whichever is greater.

3. Athletic Fields Adjacent to Single Family Residential
   Unless approved as part of a new Special Use Permit or added as an amendment to an existing Special Use Permit for a school, a special exception is required where designated outdoor athletic fields designed for formal athletic competition including lighting and installation and/or use of an audio system are included on the site of a private educational facility that is adjacent
to an area either zoned for single family residential use or with existing single family homes. The following criteria shall apply:

a. No activities shall occur on the athletic field(s) between the hours of 11:00 PM and 7:00 AM unless approved otherwise as part of a special use permit or special exception.

b. All applications for special exceptions shall be submitted and analyzed in accordance with Chapter 402, Article 17, Special Exceptions.

c. All applications for new or amended special use permits shall be submitted and analyzed in accordance with Chapter 402, Article 18 Special Use Permits.
Article 8  Community Services

404.35  Government Buildings and Facilities
Government buildings and facilities may be allowed by a special use permit in all zoning districts. In any district except A, A-RB, C-1, or RM-1, such buildings or facilities may be allowed as limited uses, provided that the site is located within an Activity Center or in a Traditional Neighborhood and Transit Oriented Development. In these cases, no special use permit shall be required.

404.36  Cemetery
Unless exempted from regulation by Florida Statutes, Chapter 497, Section 260, a cemetery may only be allowed by special use permit in all zoning districts, provided that it complies with all applicable requirements in Chapter 497, Florida Statutes.

404.37  Funeral Homes
Funeral homes are permitted by right in the BP district and in Traditional Neighborhood and Transit Oriented Developments. In the RP district, where a funeral home may be allowed by special exception, the following standards shall apply.

(a) Permitted Services
No embalming and crematory services shall be permitted.

(b) Building Size and Height
1. Within Traditional Neighborhood Development or Transit Oriented Development, the building shall meet the design standards of Chapter 407, Article 7.
2. In the RP district, the gross leasable area of the funeral home shall not exceed 7,000 square feet and the building height shall not exceed two stories. Where the funeral home is adjacent to properties zoned single-family residential, the maximum building height shall not exceed one story.

404.38  Homeless Shelter, Principal Use
Homeless shelters as a principal use may be allowed by special use permit in every district except for A, A-RB, and C-1, subject to the following standards.

(a) Minimum Lot Size
The minimum lot area shall be one acre when located within the Urban Cluster, and 3 acres when located outside of the Urban Cluster.

(b) Required Setbacks
All principal and accessory buildings shall meet the required setbacks for the zoning district.

404.39  Homeless Shelter, Accessory
In any district except for C-1, homeless shelters are allowed as accessory uses to government buildings or facilities, civic organizations, places of worship, or hospitals, subject to the following standards.

(a) Maximum Number of Clients
The overnight accommodations capacity of an accessory homeless shelter shall not exceed 15 clients, except in emergency periods such as extended cold weather or natural disaster.
(b) **Meal Services**

An accessory homeless shelter may only offer meal services to persons currently residing in the shelter.

(c) **Maximum Building Size**

The maximum size of an accessory homeless shelter shall be the lesser of 2,500 square feet or twenty-five percent of the gross floor area of the principal structure.

### 404.40 **Soup Kitchen, Principal Use**

Soup kitchens as a principal use may be allowed by special use permit in every district except for A, A-RB, and C-1, subject to the following standards.

(a) **Minimum Lot Size**

The minimum lot area shall be one acre when located within the Urban Cluster, and 3 acres when located outside of the Urban Cluster.

(b) **Required Setbacks**

All principal and accessory buildings shall meet the required setbacks for the zoning district.

(c) **Hours of Operation**

The hours of operation for a principal soup kitchen shall be limited to between 7 a.m. and 8 p.m.

### 404.41 **Soup Kitchen, Accessory**

In any district except for C-1, soup kitchens are allowed as accessory uses to government buildings or facilities, civic organizations, places of worship, or hospitals, subject to the following standards.

(a) **Maximum Number of Clients**

The service capacity of an accessory soup kitchen shall not exceed 25 clients, except in emergency periods such as extended cold weather or natural disaster.

(b) **Maximum Building Size**

The maximum size of an accessory soup kitchen shall be the lesser of 2,500 square feet or twenty-five percent of the gross floor area of the principal structure.

(c) **Hours of Operation**

The hours of operation for an accessory soup kitchen shall be limited to between 7 a.m. and 8 p.m.

### 404.42 **Civic Organizations and Places of Worship**

Civic organizations and places of worship are allowed as permitted uses in the A-RB, RP, AP, HM, BP, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP and MB districts and in Traditional Neighborhood and Transit Oriented Developments. They are also allowed as limited uses in the A, RE, RE-1, R-1aa, R-1a, R-1b, R-1c, R-2, R-2a, and R-3 districts, subject to the following standards. Civic organizations and places of worship may be allowed only by special exception in the C-1 district, and subject to the following standards.
(a) **Minimum Lot Size**

The minimum lot area shall be one acre when located within the Urban Cluster or Rural Clusters, and 3 acres when located outside of the Urban Cluster or Rural Clusters.

(b) **Required Setbacks and Building Standards**

All principal and accessory buildings shall meet the required setbacks and other building standards for the zoning district.

(c) **Buffering**

Buffering and screening shall be provided from adjacent land uses pursuant to the requirements in §407.43, Project Boundary Buffers, of Chapter 407, General Development Standards.

(d) **Parking**

Parking areas for civic organizations and places of worship within the residential districts shall be located to the side or rear of the principal building.

(e) **Access**

All civic organizations and places of worship shall be located on a paved, publicly-maintained road. Properties separated from a paved, publicly-maintained road by a utility right-of-way shall be considered to be located on the publicly-maintained road for purposes of this section provided proof of legal access across the utility right-of-way is provided.

(f) **Athletic Fields adjacent to Single Family Residential Areas**

A special exception is required where athletic fields designed for formal athletic competition including lighting and installation and/or use of an audio system are included on the site of a new or existing civic organization or place of worship that is adjacent to an area either zoned for single family residential use or with existing single family homes. All applications for special exception shall be submitted and analyzed in accordance with Chapter 402, Article 17, Special Exceptions. The following minimum standard shall apply: Athletic fields shall not be used between the hours of 11:00 PM and 7:00 AM unless otherwise approved as part of the special exception or special use permit for a private school located on the same site.

404.43 **Museum**

Museums are allowed as a permitted use in the BR, BR-1, BH, BA, and BA-1 districts and in Traditional Neighborhood and Transit Oriented Developments. They are also allowed as a limited use in A, A-RB, RE, RE-1, R-1aa, R-1a, R-1b, R-1c, R-2, R-2a, R-3, RP, AP, BP, BW, ML, MS, MP and MB districts if the type of museum is consistent with other uses allowed in the district.

404.44 **Commercial Animal Boarding or Training Facility**

Commercial animal boarding or training facilities may be allowed by special exception in the A-RB, BH, BA, BA-1, ML, MS and MP districts, subject to site plan approval by the Development Review Committee and the following standards.

(a) The minimum lot area shall be two acres.

(b) The structure housing the dogs or other domesticated animals shall be completely enclosed and designed to suppress noise. Noise from the boarded animals at the
(c) The structure housing the dogs or other domesticated animals and any outdoor areas allocated for use by such animals shall be located a minimum of 50 feet from any property line and 200 feet from any residential zoning district.

(d) At minimum, a medium-density, 25-foot wide buffer, in accordance with Chapter 407, shall be provided between the facility and adjacent properties.

(e) Use of outdoor areas by the animals shall occur no earlier than 7 a.m. and no later than 9 p.m.

(f) Overnight boarding shall be limited to no more than 30 consecutive days.

404.44.5 Pet Rescue Organization

Pet rescue organizations are allowed as a limited use in the A, BR, BR-1, BH, BA and BA-1 districts and in Traditional Neighborhood and Transit Oriented Developments, subject to development plan review by the Development Review Committee and in accordance with the following standards.

(a) The structure housing the animals shall be completely enclosed and designed to suppress noise. Noise from boarded animals at the property line shall be subject to the noise regulations in Chapter 110 of the Alachua County Code.

(b) The structure housing the animals and any outdoor areas allocated for use by such animals shall be located a minimum of 25 feet from any property line in the commercial districts (BR, BR-1, BH, BA or BA-1) and 100 feet from any property line in the Agriculture (A) district.

(c) Hours of operation, including times for feeding and use of outdoor areas by the animals, shall occur between 7 a.m. and 9 p.m.

(d) No facility shall accommodate more than 50 dogs or 125 cats or ferrets at any one time unless the additional animals are approved by the County Commission as a special exception.

(e) Any facility where the animals are boarded overnight shall be considered a private animal shelter and shall be subject to the permitted districts and standards in §404.18 of this Chapter.
Article 9   Health and Medical Facilities

404.45   Medical Marijuana Dispensary
Medical marijuana dispensaries distributing low-THC and medical cannabis for therapeutic purposes are allowed as limited uses in the BR, BR-1, BH, BA, BA-1 and HM districts, subject to the following standards.

(a) Separation Requirements for Medical Marijuana Dispensaries
1. Generally
Medical marijuana dispensaries shall be permitted only in those zoning districts in which a medical marijuana dispensary is listed as a limited use in this Chapter.

Minimum Separation Standards for Medical Marijuana Dispensaries

<table>
<thead>
<tr>
<th>Existing Use or District</th>
<th>500 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>School, public or private</td>
<td>500 ft</td>
</tr>
</tbody>
</table>

2. Measurement
Measurements shall be made from the nearest property line of the use that is not a medical marijuana dispensary to the nearest property line of the medical marijuana dispensary. If the medical marijuana dispensary is located in a multi-tenant building, then the distance shall be measured from the nearest property line of the use that is not a medical marijuana dispensary to the nearest line of the leasehold or other space actually controlled or occupied by the medical marijuana dispensary.

404.46   Veterinary Clinic or Hospital
A veterinary clinic or hospital is allowed as a limited use in the A-RB, AP, BP, BR, BR-1, BH, BA, BA-1, BW, MS and MP districts and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards. A veterinary clinic or hospital may be allowed by special exception in the A district, subject to the following standards.

(a) Any veterinary clinic or hospital that provides boarding facilities shall provide a structure that is completely enclosed and designed to suppress noise.
(b) Outdoor areas allocated for use by the animals shall be fenced or walled to safely contain the animals and shall only be allowed for facilities located on a minimum of two acres. Outdoor areas shall be located a minimum of 50 feet from any residential zoning district.

404.47   Massage Therapist
In the BP, BR, BR-1, BH, BA, BA-1, and BW districts and in Traditional Neighborhood and Transit Oriented Developments, a massage therapist or other establishment operated or staffed by one or more massage therapists is allowed as a limited use, subject to the following standards.

(a) Licensing
1. The establishment shall be licensed by the Board of Massage Therapy in accordance with the Florida Massage Therapy Practice Act, as codified at Fla. Stats. Sect. 480.031 et seq.
2. Any massage therapists shall be licensed by the Board of Massage Therapy.
3. A massage therapist shall maintain posted on-premises copies of the licenses of the therapists who provide services at the establishment.

(b) Violation

There shall be a rebuttable presumption that any therapist who is not licensed and any facility that does not have posted on its premises licenses of massage therapists who provide services there, is operating in violation of this Section and subject to enforcement action and penalty under Chapter 409, in addition to any violation of the Massage Therapy Practice Act.

(c) Massage Education

Nothing in this Section shall be construed to limit the operation of a massage school in accordance with the applicable provisions of the Massage Therapy Practices Act or the provision of clinical experience to students of a massage school in a setting consistent with the provisions of the Massage Therapy Practices Act.
Chapter 404. Use Regulations

Article 9. Health and Medical Facilities
Article 10  Transportation Terminals

404.48  Helicopter Landing Pad
A helicopter landing pad may be allowed by a special exception in the HM, ML, MS, and MP districts, provided that it complies with the Federal Aviation Administration and National Fire Protection Association guidelines for heliport design, and only as an accessory to an existing or approved hospital, institutional, or industrial facility.
Article 11 Utilities

404.49 Minor Utilities
Except as follows and in the C-1 district, Minor Utilities are permitted in all zoning districts and in Traditional Neighborhood and Transit Oriented Developments. In the RE, RE-1, R-1aa, R-1a, R-1c, R-1b, R-2, R-2a, R-3, RM, and RM-1 districts, minor utilities such as lift stations and telephone exchanges are considered limited uses, and must be completely screened or enclosed within these residential districts and in TNDs and TODs.

404.50 Broadcasting or Communications Tower
Broadcasting or communications towers may be allowed by special exception in the A, BH, BA, BA-1, BW, ML, MS, and MP districts and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards.

(a) Broadcasting or communications towers shall be located on the lot in such a manner that, in the event of collapse, the tower and supporting devices shall be contained within the confines of the property lines.

(b) Tower supports, peripheral anchors, guy wires, or other supporting devices shall be located no closer than five feet from any property line.

(c) All towers shall comply with the airport impact overlay district restrictions in Chapter 405, Article 7, of this ULDC.

(d) Towers exceeding 200’ in height are required to perform a pre-application visual impact analysis, according to §404.56(c) of this Chapter.
Article 12  Personal Wireless Services Facilities

404.51 Purpose and Intent
Personal wireless service facilities may be allowed by special use permit in all districts but C-1. In order to obtain a special use permit, such facilities shall meet the standards for location, siting and design established in this Article. The goals are to: (1) allow for alternative types of PWSFs in any location pursuant to the standards; (2) encourage the use of existing structures, including but not limited to, rooftops, utility poles, church steeples and existing towers for deploying PWSFs; (3) discourage the construction of new PWSF towers; (4) expedite the review process for those applications choosing the least intrusive alternative of deploying PWSFs; (5) encourage users of towers to locate, site and design them in a way that minimizes the adverse visual impact of the towers and associated equipment; (6) enhance the ability of the providers of personal wireless services to provide such services to the community quickly, effectively, and efficiently; and (7) to promote compatibility of PWSFs with surrounding land uses, and protect the attractiveness, health, safety, and general welfare of the community.

404.52 Applicability
(a) Pre-existing Facilities
A PWSF for which a permit has been issued prior to the effective date of this Unified Land Development Code or which lawfully existed because no permit was required at the time the PWSF was constructed shall be deemed a permitted use, subject to the conditions of an applicable permit. When an unlawful PWSF is identified by Alachua County, the unlawful PWSF must obtain a separate permit, even when (1) sharing a legal mount, (2) already in operation, and (3) duly licensed by the Federal Communications Commission. Such unpermitted PWSFs will be considered out of compliance with this Article and subject to abatement. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this Article.

(b) Damaged or Destroyed Facilities
Damaged or destroyed PWSF towers may be rebuilt in compliance with the applicable provisions of Chapter 408, Nonconformities, and in compliance with the terms of this Article. Towers that are maliciously damaged or destroyed may be repaired or rebuilt at the same location provided the appearance of the tower is not changed. In the event the County declares the effects of damage or destruction to be a state of emergency, the County may waive the requirements of this paragraph to permit the expeditious re-construction of the damaged or destroyed facility.

(c) Amateur Radio Facilities
This Article shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator.

(d) Unlawful Structures, Towers, or Personal Wireless Service Facilities
No issuance of any permit under this Article shall occur for a request to co-locate, attach, or share an existing PWSF site or structure when such existing site or structure is found to have one or more PWSFs without permits and/or any structure is found to lack one or more building, electrical or any other permit required by the Alachua County Office of Codes Enforcement and the laws that Office is authorized to implement and enforce.
Chapter 404. Use Regulations
Article 12. Personal Wireless Services Facilities

(e) Relationship to Other Regulations
The PWSF regulations shall supersede conflicting requirements contained in the Alachua County Unified Land Development Code regarding the siting and permitting of PWSFs, except that in the event of a conflict with provisions of the Airport Impact regulations in Chapter 405 Article 7 of this ULDC, the more stringent requirement shall apply.

404.53 Specification of Land Use Classifications
Personal wireless service facilities shall be a permitted use or a special use in all land use designations on the Future Land Use Map of the Alachua County Comprehensive Plan and pursuant to the policies of the Alachua County Comprehensive Plan, provided that such PWSFs comply with the standards of this Article and the permits under which PWSFs are regulated.

404.54 Tiered Permit Process and Standards
All PWSF applications shall be processed according to the following Tiers:

(a) Tier One
Tier One applications are subject to local building regulations and any existing permits, including special use permits, or agreements for the property or existing structure. There are five categories of Tier One applications:

1. Placed on New or Existing Utility Poles
Close-mounted or concealed PWSF antennas on new or existing utility poles (telephone poles, utility distribution and transmission poles, light poles, streetlights and traffic signal stanchions) no more than 20 feet taller than the existing structure.

   a. Ground-mounted accessory equipment in the public road right-of-way shall be placed underground or be no more than four feet in height. If the accessory equipment is not placed underground, the compound shall be no more than 100 square feet and shall be concealed by a row of shrubs. Zoning district setback requirements shall not apply to accessory equipment located in the road right of way. All cables between the pole and the accessory equipment shall be placed underground. A right-of-way permit shall be obtained for a PWSF where equipment will be placed in the public right-of-way.

   b. Ground-mounted accessory equipment to serve PWSF antennas on utility poles within road rights of way may be located outside of the road right of way. If such equipment is located underground or does not exceed a total of 100 square feet, a height of four feet and is screened by a row of shrubs, such equipment may be located within the zoning district setbacks. If these requirements cannot be met, the equipment must meet primary structure setbacks and requirements.

2. Co-locations on Existing Towers
Antennas co-located with an existing PWSF of a design and configuration consistent with all applicable regulations, restrictions or conditions, if any, applied to the initial antenna array placed on the PWSF tower. Any regulation, restriction or condition that limits the number of collocations or require a review process inconsistent with this Section shall not apply. As part
of such co-locations, new accessory equipment shall be allowed within the existing compound.

3. **Concealed in Existing Structures**

   PWSFs that are completely concealed within existing structures.

4. **Placed on Other Non-tower Structures**

   PWSFs mounted on structures that are not towers or utility poles, that do not project more than 10 feet above the height of the structure and that are not on historic structures or structures within historic districts. If the antenna is a concealed PWSF antenna, the height may be up to twenty (20) feet above the height of the structure.

5. **Tower Replacement**

   a. Replacement of existing towers, conforming or lawfully nonconforming, with replacement towers that:
      i. do not increase the height of the existing tower;
      ii. will be located within 50 feet of the location of the existing tower; and
      iii. are of a monopole or concealed tower design or, if the tower to be replaced is a concealed tower, the replacement tower will be of a similar concealed design.

   b. Such replacements shall be subject to Administrative Development Approval.

(b) **Tier Two**

   Applications for new PWSFs that meet the following criteria shall be considered for Tier Two review. If the application is determined to be a Tier Two, development plan review and approval, as found in Chapter 402, Article 10, is required before building permits may be obtained.

1. **Co-locations Not Meeting Tier One criteria**

   This category is limited to co-locations that do not completely meet the Tier One criteria. If only a portion of a co-location does not qualify as a Tier One, where all other portions of the co-location do qualify, that portion of the co-location only shall be reviewed as a Tier Two and the rest of the co-location shall be reviewed as a Tier One.

2. **Concealed Towers**

   This category is limited to applications for new concealed towers that

   a. are located within non-residential land uses, and
      i. are 150 feet or less in overall height in the Rural/Agriculture, Light Industrial or Heavy Industrial land use categories;
      ii. are 120 feet or less in overall height in the Commercial, Commercial Enclaves, Rural Commercial, Rural Employment Center, Rural Community Employment Center, or Tourist/Entertainment land use categories;
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**iii.** are 100 feet or less in overall height in the Institutional land use category;

**b.** are located at least two times the overall height of the tower from the property lines of any nearby property with an Urban Residential land use designation or with a residence on it;

**c.** are not located in preservation areas, conservation areas, or passive recreation areas of County Parks as defined by this ULDC and the Comprehensive Plan.

**d.** are not located on a historic property or historic resource as defined by this ULDC and the Comprehensive Plan.

**e.** are located at least three times the overall height of the tower from any designated scenic road or corridor or roads designated Old Florida Heritage Highway.

3. **Monopole Towers**

This category is limited to applications for new monopoles that:

**a.** are located within non-residential land uses, and

**i.** are 120 feet or less in overall height in the Rural/Agriculture, Light Industrial or Heavy Industrial land use categories;

**ii.** are 80 feet or less in overall height in the Office, Commercial, Commercial Enclaves, Rural Commercial, Rural Employment Center, Rural Community Employment Center, Activity Centers or Tourist/Entertainment land use categories; and

**iii.** are 80 feet or less in overall height in the Institutional land use category;

**b.** are located at least three times the overall height of the tower from the property lines of any nearby property with an Urban Residential land use designation or with a residence on it;

**c.** are located at least one times the overall height of the tower from the property lines of all dissimilar land use districts;

**d.** are not located in preservation areas, conservation areas, or passive recreation areas of County Parks as defined by this ULDC and the Comprehensive Plan;

**e.** are not located on a historic property or historic resource as defined by this ULDC and the Comprehensive Plan;

**f.** are located at least three times the overall height of the tower from any designated scenic road or corridor or roads designated Old Florida Heritage Highway; and

**g.** use close-mount antennas.

(c) **Tier Three**

Those applications not consistent with Tier One or Tier Two standards shall be reviewed as Special Use Permits, as found in Chapter 402, Article 18, Special Use Permits. Tier Three reviews are subject to the following review criteria:
1. **Location**
   a. The proposed PWSF shall be located in an area where the adverse visual impact on the community is minimized, as demonstrated by the Visual Impact Analysis Report described in §404.56(c).
   b. The location of a proposed PWSF shall minimize environmental impacts. Ground-mounted PWSFs should not be located in preservation areas, conservation areas, or passive recreation areas of County Parks as defined by this ULDC and the Comprehensive Plan.
   c. PWSFs greater than 200 feet in height should not be located in areas where the increased potential for bird kills is shown to exist.
   d. Lighted towers using guy-wires are prohibited in Conservation areas as defined by this ULDC and the Comprehensive Plan.
   e. Proposed PWSFs should not be visible from any designated scenic road or corridor or roads designated Old Florida Heritage Highway.

2. **Design**
   All PWSFs should be designed in such a way to minimize the adverse visual impact on the community. This may include reducing the height and silhouette in order to create the least adverse visual impact. The minimum height necessary to provide the applicant carrier’s designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or concealed tower is considered to have less visual impact than alternative tower designs.

(d) **Development Standards for Tier Two and Tier Three**
   All applications for Tier Two or Tier Three review shall comply with the following standards:

1. **Setbacks and Separation**
   All new towers and accessory structures shall comply with standard zoning district setbacks for a primary structure or other setbacks described in this Article, whichever is greater. All non-concealed PWSFs shall be located behind the principal building line. If the PWSF is mounted on a building, it shall not be visible from the front of the building at the pedestrian level.

2. **Security Barrier**
   All ground mounted equipment for PWSF facilities shall be secured with locked gate and chain-link fence or masonry wall of at least six feet in height from finished grade. The security barrier shall be maintained by the operator of the PWSF or tower for the life of the installation.

3. **Airport Impacts**
   All PWSFs must comply with Alachua County Airport Impact Regulations found in Article 7 of Chapter 405.

4. **Signs**
   Signs for site identification and contact information are required. In addition, for public safety purposes, each PWSF shall have a weather-proof plaque mounted at eye level at or near the PWSF or structure identifying the carriers and dates of permit approval for all antennas on the structure and the location
of the County office where further information can be obtained. Such information for PWSFs mounted on buildings may be maintained by the building superintendent or similar agent provided such information is readily accessible on reasonable demand during normal business hours. Any signs required by the FCC or FAA are also allowed. No other signage shall be permitted on any PWSF.

5. **Landscape Buffers**

Existing natural vegetation shall be undisturbed to the greatest extent practicable and may be counted toward the buffer requirement. Landscaping materials shall consist of xeric or drought-resistant native species and shall be maintained by the operator of the PWSF for the life of the installation.

   a. Landscape buffers shall be required around any ground-mounted security barrier. Landscape buffers, located outside and within 10 feet of the fence, shall include one non-deciduous tree for every 20 linear feet of fence and a continuous row of shrubs spaced not more than three feet apart. The trees shall be at least 10 feet in height and the shrubs shall be at least two feet in height at time of planting.

   b. Ground-mounted accessory equipment for PWSFs mounted on structures not originally intended as PWSF mounts shall be concealed from view within existing structures or shall be limited to 12 feet in height and shall be buffered by a continuous row of shrubs spaced not more than three feet apart.

   c. The DRC may waive the landscaping requirement if the applicant can demonstrate that the site will not be visible from adjacent lots or rights-of-way.

   d. For Tier Three applications, natural vegetative buffers on the perimeter of the property may be required to be retained to reduce the adverse visual impact of the facility on surrounding residences.

6. **Access**

A twelve foot wide stabilized access driveway and turn-around area are acceptable unless staff determines, based on public safety concerns, that circumstances require paved access.

7. **Occupancy**

Communication towers and accessory structures shall be unoccupied.

8. **Modifications**

All modifications that, when viewed from ground level from surrounding properties, appear to be of a different size, type or appearance than what currently exists on or associated with the PWSF, as determined by the Director, must comply with the design standards of this Article. For the purposes of this subsection, a co-location shall not be considered a modification. All modifications must comply with any conditions or provisions of an existing permit, including special use permits, for the property or structure.
404.55 Submittal Requirements for Tier Two and Tier Three Applications

In addition to the information required for all development applications as found in Chapter 402, Article 10, all applicants shall submit the following information, as applicable, as part of an application for a PWSF.

(a) A licensed carrier must either be an applicant or a co-applicant and authorization to act on behalf of the carrier must be submitted.

(b) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the PWSF.

(c) Copy of the FCC License (Radio Authorization Form)

(d) Evidence of compliance with applicable FAA requirements under 14 C.F.R. s. 77, as amended. This may be in the form of a copy of the FAA Notice of Proposed Construction.

(e) For applications for ground-mounted facilities, proposed site plan, no larger than 24” by 36” with an 8 ½” by 11” reduced copy. Site plans should include the following:

1. The entire subject property with the lease parcel fully dimensioned, including property lines, setbacks, roads (public and private) on or adjacent to the subject property and easements proposed to serve the PWSF.

2. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property.

3. Proposed location of antenna, tower, and equipment facilities.

4. Proposed security barrier, indicating type and extent as well as point of controlled entry.

5. Proposed and existing access easements, utility easements, and parking for the PWSF.

6. All proposed changes to the subject property, including grading, vegetation removal, temporary or permanent roads and driveways, stormwater management facilities, and any other construction or development attendant to the PWSF.

7. Scaled elevation drawing of proposed PWSF including all towers, antennas, equipment buildings, fencing, and landscaping.

8. A map to scale showing the subject property and all properties within a distance of 1,000 feet of the subject property boundary, the location of and distances to all buildings, including accessory structures, and the Future Land Use designation and Zoning District of all properties shown. An aerial enhanced with the required information may be used to satisfy this requirement.

(f) Information showing all private aircraft landing facilities registered by the Florida Department of Transportation that are within one mile of the proposed PWSF.

(g) A statement certifying that, as proposed, the PWSF complies with Alachua County Airport Impact Zoning Regulations in Article 7 of Chapter 405.

(h) A fall zone certificate from a licensed structural engineer or evidence satisfactory to the County that the tower and attached PWSFs will not pose a material danger from collapse or debris fall to habitable structures or outdoor areas where people congregate.
404.56 Additional Requirements for Tier Three Applications
In addition to the requirements above, an applicant for a Tier Three review shall submit the following information:

(a) Detailed Description of Request
Description of request including why the request is consistent with the County’s Comprehensive Plan and the Unified Land Development Code.

(b) Neighborhood Workshop
For all Tier 3 applications, the Applicant must conduct a neighborhood workshop pursuant to Article 5, Neighborhood Workshops in Chapter 402 of this ULDC.

(c) Visual Impact Analysis Report
1. The Applicant shall provide a line-of-sight analysis, including elevation views of the proposed tower. The line-of-site analysis shall include a description of significant natural and manmade features that affect the buffering of the potential visual impact of the proposed structure.
2. The Applicant shall submit photo simulations from a minimum of four views identified on the site plan or aerial map of the surrounding area from locations determined at the preapplication review. These views shall incorporate before and after scenarios, a scaled color image of the proposed type of tower, an aerial image with the location of the views noted, and a description of the technical approach used to create the photo simulations.
3. Upon receipt of the Visual Impact Analysis Report, staff may require the Applicant to conduct a Visual Impact Demonstration consisting of a two hour balloon test, which shall demonstrate the maximum height of the proposed PWSF facility. During the test, County staff shall be provided access to the parcel for the purpose of observing and photographing the test from several locations surrounding the PWSF site. Staff will evaluate the photosims in the visual impact analysis report based on the balloon test. If the photosims are not clearly representative of the proposed PWSF, staff shall produce, or have produced by an independent consultant, additional photosims at the applicant’s expense.

(d) RF Information
To verify that the proposed height of the tower or antennas is necessary to provide the carrier’s designed service, the following RF information shall be submitted:
1. Areas to be served by the PWSF.
2. Relationship to the carrier’s other PWSFs existing or currently in review by Alachua County.
3. Technical data concerning the proposed facility and each existing, authorized, pending, and proposed adjacent cell site:
   a. Primary frequency band;
   b. Site name or other reference;
   c. Latitude and longitude (NAD 83 or WGS 84) of the tower; and
   d. Site elevation (amsl).
4. For each proposed and each adjacent cell omni, microwave and sector antenna:
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(a) Manufacturer;
(b) Model number;
(c) Frequency band (if not primary frequency band);
(d) Height of antenna radiation center (agl);
(e) Maximum effective radiated output power (specify units);
(f) Azimuth of main lobe (degrees east of north Nxxx E);
(g) If used, mechanical and electrical beam-tilt parameters; and
(h) Other additional information as may be required to technically verify an applicant’s assertions.

(e) Fees
The fee for PWSF special use permit applications shall include the costs of retaining independent technical consultants and experts to properly evaluate the proposed PWSFs. This may include an independent RF evaluation and the preparation of photo simulations of the proposed site.

404.57 Completeness Review

(a) Within 20 business days of receipt of an application for a PWSF, County staff shall determine if the application form has been completed and if all required items have been submitted.

(b) If County staff determines that the application form is not complete and/or if all required items have not been submitted, the County staff shall send the applicant a Letter of Incompletion stating that the application is incomplete and cannot be considered by the County. The Letter of Incompletion shall list those items that are incomplete or missing. The applicant may choose to resubmit a completed application or withdraw the application and request a refund of application fees.

(c) If the applicant resubmits materials to make the application complete, County staff shall review the resubmitted materials and determine if the application is now complete. If the application is still not complete, County staff shall send the applicant another Letter of Incompletion indicating the remaining deficiencies, within normal review timeframes, but in no case longer than 20 business days after the materials are resubmitted.

(d) After issuance of the Letter of Incompletion, if the applicant does not complete the application form and submit all required items within sixty (60) days of mailing of the Letter of Incompletion, nor withdraws the application by the date specified, the County shall notify the applicant that the application is closed and any fees paid are nonrefundable.

(e) If County staff does not notify the applicant in writing that the application is not complete within 20 business days after the application is initially submitted or additional information is resubmitted, the application is deemed, for administrative purposes only, to be properly complete.

(f) When the application form is complete and all required items have been submitted, the County staff shall send the applicant a Letter of Completion and begin processing the application.
404.58  **Review Timeframes**

(a)  **Tier One**

Applications for Tier One co-locations shall be reviewed within the normal time frames for similar building permits, but in no case later than 45 business days after the date the application is determined to be properly completed, as provided in §404.57. All other Tier One applications shall be reviewed within the normal time frames for similar building permits but in no case later than 90 business days after the date the application is determined to be properly completed.

(b)  **Tier Two and Tier Three**

1. The County shall review and grant or deny each properly completed application for Tier Two or Tier Three review within the normal timeframes for a development plan approval or a Special Use Permit, as applicable, but in no case shall the review and decision on the application take more than 90 business days from the date the application is determined to be properly complete, in accordance with §404.57.

2. If the County does not grant or deny a properly completed application for a PWSF within the timeframes set forth in this subsection and subsection (a), the application shall be deemed automatically approved and the applicant may proceed with the next level of review or, if no additional levels of review are required, with the placement of the PWSF without interference or penalty.

3. For Tier Three applications only, the 90 business day timeframe may be extended if the hearing on the special use permit before the Board of County Commissioners, following the review process and timeframe applicable to all special use permits for all uses, cannot reasonably occur within the 90 business days. Under such circumstances, the Board of County Commissioners must either grant or deny the application at its next regularly scheduled meeting after the 90 business days have expired or the application shall be deemed automatically approved.

4. If during the review period the application is significantly amended, unless the review timeframe is waived by both the applicant and the County, it shall be considered a new application and a new 90-day review period will be established.

5. These timeframes may be waived if a waiver is voluntarily agreed to by the applicant and the County. A one-time waiver may be required by the County in the case of a declared local, state, or federal emergency, which directly affects the permitting activities of the County, for the length of that emergency.

404.59  **PWSFs at Public Sites**

Alachua County shall work with carriers to facilitate the siting of PWSFs on County-owned or other publicly-owned property, by identifying existing structures, the appropriate contact persons, and the appropriate leasing procedures.

404.60  **Inspection, Abandonment and Obsolescence**

(a)  **Inspection**

The owner or operator of a tower shall provide for and conduct an inspection of the tower at least once every five years. A statement shall be provided to the Alachua
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County Office of Codes Enforcement verifying structural integrity and tenants on the tower.

(b) Abandonment and Removal
Any PWSF that is not operated for a continuous period of 18 months shall be considered abandoned, and the owner of such PWSF shall remove same within 90 days of notice to the Alachua County Office of Codes Enforcement that the PWSF is abandoned. If such PWSF is not removed within said 90 days, Alachua County may have the PWSF removed at the PWSF owner’s expense.

404.61 Lighting
A PWSF shall not be artificially lighted, except for:

(a) Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and

(b) Such lighting of the PWSF as may be required by the Federal Communications Commission, Federal Aviation Administration (FAA) or other applicable authority installed in a manner to minimize impacts on adjacent residences. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.
Article 13  Home-Based Businesses

404.62  Standards for General Home-Based Business

A general home-based business is allowed as accessory to any legal residential use in the urban or rural area subject to the following standards.

(a) Participation in Business

Only lawful residents of a dwelling with a home-based business shall be engaged or employed on-site.

(b) Nature of Use

1. The use of the dwelling unit for the general home-based business shall be clearly incidental and subordinate to its use for residential purposes.

2. There shall be no exterior structural or architectural modification to the dwelling related to the general home-based business.

3. A general home-based business shall not occupy more than 20 percent of the gross floor area of the dwelling, exclusive of the area of any open porch, attached garage, or similar space not suited for occupancy as living quarters of a dwelling.

4. A general home-based business shall not be conducted in an accessory building, including a barn, carport, garage, porch, stable, or similar building or structure that is not suited for occupancy as living quarters of a dwelling. A single fully enclosed accessory building that does not exceed 150 square feet may be used to store materials and supplies utilized for a home-based business, provided the building is properly permitted as an accessory building.

(c) Parking

A maximum of two additional off-street parking spaces shall be provided to accommodate a general home-based business, and each additional space shall utilize the driveway serving the residence in which the activity is located.

(d) Visitation Hours

A general home-based business shall limit hours of operation for the activities specified below:

1. Customer or client visits and all deliveries shall be limited to the hours from 8 A.M. to 8 P.M.

2. The business shall not generate more than six customer or client visits in any one day and no more than two clients may be present at any one time.

(e) Signage

In accordance with Chapter 407, Article 3, Signs, a general home-based business in any zoning district may be allowed one building sign mounted on the residence, not to exceed two square feet in size.

(f) Vehicle Storage

The general home-based business shall be limited to the parking and storage of one commercial motor vehicle and trailer on the premises, in accordance with the standards for parking of trucks, trailers and other non-recreational vehicles in...
§404.82.5(a) of this Chapter. In the Agriculture District, vehicles used exclusively for agricultural purposes may exceed this capacity limitation.

(g) Operation of Mechanical Equipment
A home-based business shall be subject to the noise regulations in Chapter 110 of the Alachua County Code.

(h) Limitations on Use of Equipment and Materials
A general home-based business shall conform with the following limitations on the use and storage of material and equipment.

1. The business shall not utilize equipment or processes that create vibration, glare, fumes, odors, or dust that are discernable at the property lines.
2. The business shall not utilize any combustible materials in violation of all applicable fire prevention regulations.
3. The business shall not utilize or maintain on site any hazardous materials in violation of Chapter 353, Article II of the County Code relating to hazardous materials management.
4. The business shall not utilize equipment or processes which create electrical, visual, or audible interference in any radio or television receivers off-premises, or otherwise interfere with the off-premises use of electric or electronic devices of any kind.

(i) Sales
Sales of goods on the site shall be limited to goods or merchandise produced or processed on the site or direct sale of goods through the internet or mail order.

(j) Permits
A permit for each separate general home-based business shall be obtained and the appropriate fees paid, subject to the following conditions.

1. No more than two permits for home-based businesses shall be issued for a single dwelling unit.
2. Each applicant shall sign an affidavit acknowledging receipt of regulations applicable to such permits.
3. Each permit shall be valid for a period of up to two years but shall be renewable upon application and continued conformance with the provisions of this Section.

404.63 Standards for Rural Home-Based Business
A rural home-based business is allowed as an accessory use to a legal residential use in the A district, subject to administrative plan approval by the Growth Management Department and in accordance with the following standards.

(a) Participation in Business
In addition to lawful residents of a dwelling with a rural home-based business no more than three additional employees that do not reside in the dwelling shall be engaged in the business.
(b) Minimum Lot Area
The minimum lot area shall be three acres.

(c) Nature of Use
1. The use of the dwelling unit for the rural home-based business shall be clearly incidental and subordinate to its use for residential purposes.
2. The rural home-based business shall not occupy more than 20 percent of the living area of the dwelling, not including required parking areas.
3. The rural home-based business may be conducted in an accessory building.

(d) Screening
Landscaping shall be required to screen off-street parking and assembly or storage areas from the view of adjacent landowners and public rights-of-way, and shall comply with the requirements of §407.43(c) of this ULDC.

(e) Parking
A maximum of three additional off-street parking spaces may be provided to accommodate a rural home-based business, and each additional space shall utilize the driveway serving the residence in which the activity is located. On-street parking for Rural Home-Based Businesses is prohibited.

(f) Parking and Storage of Commercial Vehicles
The rural home-based business shall be limited to the parking and storage of three commercial vehicles on the premises. This includes any customer vehicles stored on-site for repair purposes but shall not apply to a vehicle parked temporarily during a customer or service visit or during a delivery.

(g) Visitation Hours
A home-based business shall limit customer or client visits and all deliveries to the hours from 8 A.M. to 8 P.M.

(h) Signage
Signage for rural home-based businesses shall be allowed in accordance with the standards for permanent signage in the Agriculture zoning district in Section 407.33 of Chapter 407.

(i) Operation of Mechanical Equipment
A home-based business shall be subject to the noise regulations in Chapter 110 of the Alachua County Code.

(j) Limitations on Use of Equipment and Materials
A home-based business shall conform with the following limitations on the use and storage of material and equipment.
1. The business shall not utilize equipment or processes that create vibration, glare, fumes, odors, or dust that are discernable at the property lines.
2. The business shall not utilize any combustible materials in violation of applicable fire prevention regulations.
3. The business shall not utilize or maintain on-site any hazardous materials in violation of Chapter 353, Article II of the County Code relating to hazardous materials management.
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4. The business shall not utilize equipment or processes which create electrical, visual, or audible interference in any radio or television receivers off the premises, or otherwise interfere with the off-premises use of electric or electronic devices of any kind.

(k) Sales
All sales shall be incidental to the principal residential or agricultural use and shall involve only the sale of goods or merchandise produced or processed by the rural home-based business. Retail sales of goods not produced or processed on the premises are prohibited.

(l) Permits
A permit for each separate rural home-based business shall be obtained and the appropriate fees paid, subject to the following conditions.

1. Such permits may be issued only by the Growth Management Department, in accordance with Chapter 401, Article 6;

2. No more than two permits for home-based businesses (rural or general) shall be issued for a single dwelling unit;

3. A development plan for the site demonstrating compliance with the standards in this Section shall be submitted to the Department of Growth Management for approval; and

4. Each permit shall be valid for a period of up to two years but shall be renewable upon administrative review and continued conformance with the provisions of this Section.
Article 14  Entertainment and Recreation

404.64  Outdoor Recreation

Outdoor recreational facilities are allowed as limited uses in the A, C-1, RM-1, BR-1, BH, BA, BA-1, BW and MB districts, subject to development plan review by the Development Review Committee and in accordance with the following standards. Any outdoor recreational use that exceeds these standards may be allowed as a special exception within these districts.

(a) Where outdoor recreational activities will occur on site, the minimum lot area shall be 10 acres in the C-1 district, and five acres in all other districts.

(b) A medium-density, 25-foot wide buffer, in accordance with Article 4, Landscaping, of Chapter 407, shall be provided to adjacent properties. A 50-foot wide setback from the property line shall be provided adjacent to residential land uses, including a medium-density, 25-foot wide buffer in accordance with Article 4, Landscaping, of Chapter 407.

(c) Permanent structures on the site shall be limited in size to 1000 square feet, and shall be subject to the setbacks and height limitations of the district. Permanent residence or overnight accommodations within these structures is prohibited.

(d) Hours of operation shall be limited to between 7 a.m. and 9 p.m.

(e) Commercial uses shall be limited to payment for rental of equipment and for use of facilities, and retail sales of goods related to the activity on site.

(f) Outdoor lighting and installation and/or use of an audio system for recreational activities on the site is prohibited within the A and C-1 zoning districts.

(g) Within the C-1 district, only activities considered as resource-based recreation shall be permitted to occur on the site, provided that they do not significantly alter the natural functions of the conservation area.

404.65  Motorized Sports

Motorized sports facilities are allowed by special exception in the BR-1 districts, subject to development plan review by the Development Review Committee and in accordance with the following standards.

(a) The minimum lot size shall be 50 acres.

(b) Provisions for buffers, hours of operation and audio systems shall be evaluated as part of the special exception process.

(c) Outdoor lighting is subject to the Chapter 407Article 14 Outdoor Lighting.
Private Motorized Vehicle Practice Facility

Private motorized vehicle practice facilities involving the removal or filling of more than 200 cubic yards of material on site are allowed by special exception in the A district, subject to development plan review by the Development Review Committee and in accordance with the following standards:

(a) The minimum lot size shall be ten acres in the A zoning district.

(b) A 50-foot wide high-density buffer shall be required on all sides of the property, unless otherwise approved as part of the special exception.

(c) Private motorized vehicle practice facilities may be used only for non-commercial private purposes.

(d) Outdoor lighting at the facility shall not be allowed.

(e) Hours of operation shall be Monday through Saturday from 8 am until dusk. No use of the facility shall be allowed on Sunday.

(f) Facilities are limited to All-Terrain vehicles (ATV’s) and their variants as defined in Chapter 410 of this Code.

(g) Provisions for number of people and number of ATVs shall be evaluated as part of the special exception process.

Golf Courses

Golf courses are allowed as a limited use in the A, RE, RE-1, R-1a, R-1aa and R-1b zoning districts subject to the following standards. Golf courses shall be constructed and managed to conserve water, protect existing vegetation and minimize the use of fertilizers and pesticides. Golf course construction and operation shall follow applicable state best management practices (BMPs).

(h) Golf Course Landscape Design

An application for a golf course shall include a design plan that integrates plant species that are best suited to the local area and include the following elements.

1. Golf courses shall be located, designed and operated to provide for the following:
   
   a. conservation of sensitive habitat;
   
   b. retention of native vegetation;
   
   c. protection of wildlife corridors and habitat connectivity; and
   
   d. protection of natural drainage patterns.

2. The design shall incorporate native drought tolerant plants and preserve clusters or significant stands of trees and understory vegetation.

3. A natural resources plan that specifies strategies for invasive exotic plant control, restoration of appropriate habitat-specific hydrology, prescribed fire or other means of fuel load reduction or habitat improvement, and natural plant community restoration.

4. A water conservation and irrigation plan that minimizes water use, proposes construction techniques and soil amendment for greens and tees that reduces excess irrigation, provides controls for proper irrigation management and conservation, and uses harvested rainfall for on-site irrigation. Artificial turf is
encouraged as a water conserving measure. Aesthetic water features requiring augmentation are discouraged.

5. A stormwater management plan that incorporates Low Impact Development (LID) techniques to enhance aquifer recharge and incorporate the use of stormwater for irrigation.

(i) Water Quality Monitoring Plan

1. A monitoring plan shall be developed to monitor surface water (where applicable) and groundwater quality and flow and/or level.

2. Pre- and regular post-development surface water and groundwater sampling shall be required.

404.67 Sexually Oriented Business

Sexually oriented businesses are allowed as limited uses in the BH, BA and BA-1 districts, including but not limited to a sexually oriented media store, subject to the following standards. Sex shops and sexually oriented theatres or cabarets are allowed in the BA or BA-1 districts, subject to the following standards.

(a) Separation Requirements for Sexually Oriented Businesses

1. Generally

Sexually oriented businesses shall be permitted only in the zoning districts in which a specific sexually oriented business is listed as a permitted use in this Chapter. Any sexually oriented business established or expanded after February 1, 2004, in such a district shall be separated from other specified uses by the distances specified in Table 404.67.1.

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<th>Existing Use or District</th>
<th>Sexually Oriented Cabaret</th>
<th>Sexually Oriented Theater</th>
<th>Sex Shop</th>
<th>Sexually Oriented Media Store</th>
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</table>

2. Measurement

Measurements shall be made from the nearest property line of the use which is not a sexually oriented business to the nearest property line of the sexually oriented business. If the sexually oriented business is located in a multi-tenant building, then the distance shall be measured from the nearest property line of the use which is not a sexually oriented business to the nearest line of the leasehold or other space actually controlled or occupied by the sexually oriented business.

3. Limitations
    a. School
The separation requirement from a “school” shall apply only if one or more of the following applies:

i. the school is a public school; or

ii. the school has been in operation at the same location for one year or more; or

iii. the location at which the school is now operating is owned by the organization operating the school.

b. **Place of Worship**

The separation requirement from a “place of worship” shall apply only if one or more of the following applies:

i. the place of worship has been in operation at the same location for one year or more; or

ii. the location at which the place of worship is now operating is owned by the organization operating the place of worship.

c. **Residentially Zoned Land**

For purposes of this Section only, “residentially zoned land” shall mean land carrying an Alachua County zoning district designation beginning with an R and codified as part of Chapter 403, Article 3 or an exclusively residential planned development.

### (b) Sexually Oriented Cabarets - Design Standards

Any building used for the operation of a sexually oriented cabaret shall meet the following design standards:

1. **Stage Required**

   The building shall include one or more stages, on which all performances shall take place. Each such stage shall be in a room open to all customers of the establishment and containing a minimum of 600 square feet of floor area. The stage shall be raised a minimum of 18 inches above the level of the floor on which customers stand or are seated and shall be further separated from customers by a rail or other barrier a minimum of 30 inches high. If the stage is a minimum of 30 inches high, the additional barrier shall not be required.

2. **Performance Areas**

   a. All performances and interactions between performers and customers shall occur so that the performers (and any customer directly involved) are visible from the room in which the stage is located. No doors, curtains, screens, or other devices shall be used to obscure any part of the room or any booth.

   b. Any private performance booth in existence on January 27, 2004, may continue in use regardless of whether it is fully visible from the larger room, provided that it shall be visible from a hallway meeting the lighting standards required in paragraph 3 below. Such hallway shall be open to all customers of the establishment and other persons lawfully entering onto the premises and the entrance to the booth shall not be
obscured from the hallway by any doors, curtains, screens, or other devices.

3. **Lighting**
   The lighting level in the primary area occupied by customers shall be a minimum of five footcandles at a height of three feet above the floor. This lighting standard shall not apply to the stage or to performance booths but shall apply in any hallway or other access area to the booths and in the area around the stage.

(c) **Sexually Oriented Theaters - Design Standards**

Any building used for the operation of a sexually oriented theater shall meet the following design standards:

1. **Presentation Area**
   All screenings and presentations of motion pictures, videos or other media shall occur in a room open to all customers of the establishment and containing a minimum 600 square feet of floor area. No doors, curtains, screens, or other devices shall be used to obscure any part of the room.

2. **Lighting**
   The lighting level in the area occupied by customers shall be a minimum of two footcandles at floor level.

3. **Seating**
   Seating shall consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, individual chairs, beds, loose cushions, mattresses or other forms of seating may be provided. Separate spaces for wheelchairs shall be provided in accordance with the applicable provisions of the Southern Building Code and the Americans with Disabilities Act.
Chapter 404. Use Regulations

Article 15. Food and Beverage

404.67.5 Restaurant
A restaurant is allowed as a permitted use in the BR, BR-1, BH, BA, BA-1, BW and MB districts and in Traditional Neighborhood and Transit Oriented Developments. A restaurant is allowed as an accessory use to industrial uses within the ML, MS and MP districts. A restaurant is allowed as an accessory use in the A district subject to development plan review and the following standards.

(a) Restaurants in the Agriculture (A) District
1. Restaurants may be allowed in the A district as an accessory use to an active agricultural operation for agritourism purposes and must utilize agricultural products grown and processed onsite. The restaurant shall not be part of a chain or a franchise and shall not exceed a seating capacity of 20.
2. The property must have direct access to a public road meeting county requirements for sufficient right-of-way, minimum width, stabilization requirements and maintenance.
3. Drive-through facilities are prohibited.

404.68 Restaurant with Drive-Through
A restaurant with a drive-through is allowed as a limited use in the BR-1, BH, BA, BA-1 and BW districts and in Traditional Neighborhood and Transit Oriented Developments, subject to the following standards. A restaurant with a drive through may be allowed by special exception in the BR district, subject to the following standards.

(a) Location of Drive-Through Windows
Drive-through windows shall be constructed as an integral part of the principal structure. Menu boards and equipment for ordering from a vehicle may be a stand-alone feature.

(b) Circulation
1. Stacking lanes for drive-through windows shall provide at least five stacking spaces for each drive-through service window. Such spaces shall be designed so as to avoid conflict between pedestrian and vehicular circulation on the site or any abutting street.

(c) Additional Standards for Traditional Neighborhood and Transit Oriented Developments
1. Restaurants with a drive-through lane are only allowed in a multi-tenant building.
2. Drive-through lanes and drive aisles shall be located at the rear of buildings and shall be architecturally integrated with the building or screened from the street.
3. Building shall be designed to meet a nationally or locally recognized green building standard.

404.69 Incidental Food Sales
Food and/or beverage sales are allowed as an accessory use to commercial and industrial uses within the A-RB, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP, and MB districts and in Traditional Neighborhood and Transit Oriented Developments, provided that the area utilized for the sales,
storage, preparation, and service of foods and/or beverages does not exceed 20% of the gross floor area of the principal structure.

404.69.1 Mobile Food Sales

Mobile food sales are allowed as a limited use in the A-RB, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP and MB districts, Traditional Neighborhood and Transit Oriented Developments, and on properties with a Mixed-Use Future Land Use designation, subject to the following standards.

(a) Permitting

Mobile food service units shall obtain a permit from the Growth Management Department.

(b) Exemptions

Mobile food service units that are transient in nature and do not stop at a given location for more than one hour may be allowed without a permit in any location, provided the establishment has any necessary permits required by the Florida Department of Health and does not violate any other provisions of this ULDC, including the prohibition of sales in the right-of-way as found in §407.11(a).

(c) Property Owner Authorization

All applications for mobile food sales must include written permission or lease from the owner(s) of the property or properties authorizing the operation of the mobile food service unit in accordance with the submitted site drawing and the standards of this ULDC.

(d) Required Licenses

All required licenses from the appropriate state or county agencies must be displayed conspicuously on the mobile food service unit from which the food is sold.

(e) Sales Areas

1. Mobile food service units shall not conduct business in any way that restricts or interferes with the entrance or exit of a business, creates a hazard to pedestrians, life or property, or obstructs vehicular circulation, pedestrian circulation, access to emergency exits or that creates a traffic hazard or nuisance off-site.

2. No drive-through sales are allowed.

3. The mobile food service unit must keep the sidewalks, parking areas and other areas adjacent to the unit clean and free of refuse of any kind generated from their operation.

(f) Hours of Operation

Mobile food sales shall be limited to the hours of operation between 7:00 AM and 10:00 PM or close of business, whichever is later, of the principal use on site. Transient mobile food sales shall be limited to the hours between 11:00 AM and 3:00 PM.

(g) Additional Requirements for Undeveloped Properties

Where mobile food service units are located on undeveloped properties, the following additional requirements shall apply:
1. The mobile food service unit must be set back at least 100 feet from any existing residential development.

2. The property shall have a minimum area of at least 1,500 square feet for parking to accommodate at least five vehicles.

(h) Prohibitions
Mobile food sales are prohibited in the following areas:

1. Within 25 feet of any loading zone or transit stop;
2. Within 25 feet of any fire hydrant, fire escape or fire control device;
3. Within 25 feet of any parking space or access ramp designated for persons with disabilities; or
4. Within the building setback area required by the zoning district.

(i) Site Drawing
All applications for mobile food sales must include a scaled site drawing that identifies the following:

1. Property boundaries;
2. Dimensions and proposed location of the mobile food service unit including structures, sales area, waste collection bins, utilities, generators and any other mechanical equipment;
3. Ingress and egress for the host business (if any);
4. Identification of parking areas, loading zones and fire hydrants.
Article 16  Overnight Accommodations

404.69.5  Hotel or Motel
A Hotel or Motel is allowed as a permitted use in the HM, BR, BR-1, BH, BA and BA-1 districts. A Hotel or Motel is allowed by Special Exception in the MB district. In Traditional Neighborhood and Transit Oriented Developments, a Hotel or Motel is allowed as a Limited Use subject to the following:

(a) Density Calculation
   For the purposes of a TND or TOD, a hotel shall be considered a residential use. The number of dwelling units for a hotel or motel shall be equal to 50% of the number of rooms in the facility.

(b) Non-residential Development
   For Hotels and Motels in a TND or TOD, all of the accessory uses that are customarily associated with a hotel or motel, such as a lobby, reception area, pool, and offices for facility management, shall be considered part of the residential development. In addition, any hotel or motel may contain up to 3,000 square feet of commercial uses, such as a restaurant or night club. Any square footage above 3,000 square feet shall be counted as non-residential square footage for the development.

404.70  Bed and Breakfast
A bed and breakfast is allowed as a limited use in the A, RE, RE-1, R-1aa, R-1a, R-1b, and RP districts, subject development plan approval and the following standards.

(a) Location
   The bed and breakfast shall be located in a single-family detached dwelling.

(b) Owner Occupancy Required
   The owner of the bed and breakfast shall reside on the premises.

(c) Maximum Number of Rooms
   A maximum of five rooms shall be used for rental lodging purposes.

(d) Parking and Access
   In the A district, the facility shall have direct access to a public road meeting county standards for sufficient right-of-way, minimum width, stabilization requirements and maintenance. In all other districts, the facility shall have access to a publicly maintained paved road. All facilities must provide one parking space per room plus two additional spaces.

(e) Maximum Nights Per Stay
   Each guest in a bed and breakfast is limited to a maximum number of thirty nights per stay.

(f) Limitations within Platted Subdivisions
   A bed and breakfast may only be located within a platted subdivision in one of the following areas, unless a special exception is approved by the Board of County Commissioners:
Chapter 404. Use Regulations
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1. Rural Clusters;
2. Transit Supportive Area of a Traditional Neighborhood Development or Transit Oriented Development;
3. Planned Developments where consistent with the Zoning Master Plan; or
4. Structures identified on the Department’s list of historic properties.

(g) Meal Service
A bed and breakfast shall be limited to providing meal services only to registered guests.

(h) Other Functions by Special Exception
A bed and breakfast may obtain a special exception in order to provide facilities such as banquet halls or ballrooms that may be used to host events such as weddings, meetings, dinners, and catered parties.

404.71 RV Park/Campground
An RV park or campground shall comply with all requirements in Article 6 of Chapter 403 regarding the RM-1 zoning district.
Article 17  Retail Sales and Service

404.72  Neighborhood Convenience Center

A neighborhood convenience center is allowed as a limited use in the BR, BR-1, BH, BA, BA-1, ML, MS and MP districts, subject to the following standards.

(a) Permitted and Prohibited Uses

Permitted uses in the neighborhood convenience center shall be those specified for the district in which it is located except for the following prohibited uses:

1. cocktail lounge, bar, or tavern;
2. hotel or motel;
3. nightclub within the principal building;
4. vehicle sales and service;
5. vehicle paint and body shop;
6. service stations;
7. entertainment and recreation;
8. vehicle or trailer rental;
9. outdoor temporary display and sales of automobiles, light trucks, motorcycles, boats and similar products accessory to retail uses.

(b) Location

A neighborhood convenience center shall meet the following standards.

1. A neighborhood convenience center shall be a minimum of one mile traveling distance from any other neighborhood convenience center or other facility with similar uses. Such distance shall be calculated by the shortest distance following collector and arterial roadways, as measured from the middle of the neighborhood convenience centers.
2. Each neighborhood convenience center shall have a minimum depth of 300 feet unless waived by the DRC to provide a better site design.
3. No building shall be erected closer than 25 feet to any road right-of-way.
4. The maximum gross floor area shall be 30,000 square feet.
5. Parking and loading areas shall be paved and kept in good repair at all times with a hard, all-weather surface. Parking areas shall be located a minimum of 50 feet from a residentially zoned property or property designated urban residential on the Future Land Use Map.
6. Neighborhood convenience centers shall be located on collector or principal arterial streets, as defined and identified in the Transportation Mobility Element of the Comprehensive Plan.
7. All commercial waste receptacles, storage areas and electrical and mechanical equipment, such as heat pumps and air conditioners, shall be screened from view from a public right-of-way and from any residential development.
404.73 Convenience Store

A convenience store is allowed as a permitted use in Traditional Neighborhood and Transit Oriented Development and a limited use in the BR, BR-1, BH, BA, BA-1, and BW districts, subject to the following standards.
Chapter 404. Use Regulations
Article 17. Retail Sales and Service

(a) Additional Principal Uses
A convenience store may offer an additional principal use, such as a restaurant or fuel sales. A convenience store with two or more principal uses shall comply with the standards for all of these uses.

(b) Maximum Gross Floor Area
A convenience store, including additional principal uses, shall not exceed 8,000 square feet of total floor area.

(c) Parking for Additional Principal Uses
Parking for additional principal uses shall be calculated separately to determine the total number of required parking spaces.

404.74 Pharmacy
A pharmacy is allowed as a limited use in the HM, BR, BR-1, BH, BA, and BA-1 districts and within Traditional Neighborhood and Transit Oriented Developments, subject to the following standards.

(a) Location of Drive-Through Windows
Drive-through windows shall be constructed as an integral part of the principal structure.

(b) Circulation
1. Stacking lanes for drive-through windows shall be located so as to avoid conflict with the normal flow of traffic on the site.
2. A vehicle pass-by lane shall be constructed adjacent to each window to provide for complete, unimpeded circulation throughout the site.

(c) Additional Standards for Traditional Neighborhood and Transit Oriented Developments
1. Pharmacies are allowed a maximum of two drive-through lanes.
2. Drive-through lands and drive aisles shall be located at the rear of buildings and shall be architecturally integrated with the building or screened from the street.
3. Building shall be designed to meet a nationally or locally recognized green building standard.

404.74.5 Dry-Cleaners
Dry cleaners are allowed as a permitted use within the BR, BR-1, BH, BA and BA-1 districts. Dry-cleaners are allowed as a limited use within Traditional Neighborhood and Transit Oriented Developments subject to the following standards:

(a) Dry cleaners with drive-through lanes are only allowed in a multi-tenant building.

(b) Drive-through lanes and drive aisles shall be located at the rear of buildings and shall be architecturally integrated with the building or screened from the street.

(c) Building shall be designed to meet a nationally or locally recognized green building standard.

404.75 Media Sales and Rental
A retail establishment that devotes less than 30 percent of its floor area or inventory to sexually-explicit material sales and rental shall be allowed in the BR, BR-1, BH, BA, and BA-1 districts and within the Transit Supportive Area in Traditional Neighborhood and Transit Oriented
Chapter 404. Use Regulations

Article 17. Retail Sales and Service

Developments. An establishment that devotes more than ten percent of its floor area or inventory to sexually explicit material, but that devotes less than 30 percent of its floor area or inventory to sexually-explicit material sales and rental shall not be treated as a sexually oriented media shop (see §404.67) but must meet the following conditions.

(a) All sexually-explicit media shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight feet above the floor, whichever is less.

(b) Access to the room containing the sexually-explicit media shall be through an opaque, solid door.

(c) The room containing sexually-explicit media shall be posted with a notice indicating that only persons 18 years of age or older may enter the room.

(d) Access to the room shall be physically limited to adults through control of access by an employee of the store, through use of an access release located a minimum of 66 inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager’s or cashier’s work station.

404.75.5 Large Scale Retail

A retail establishment of 100,000 square feet gross leaseable area or greater or a group of stores within a development under the same ownership of 100,000 square feet or more is allowed as a limited use in the BH, BA, BA-1 and BW districts within an Activity Center.
Article 18  Self-Service Storage Facilities

404.76  Self-Service Storage Facility
Self-service storage facilities are allowed as a limited use in the BH, BW, ML, MS, and MP districts, subject to the standards in (a) below and within Transit Oriented Developments, subject to the standards in (b) below.

(a) Storage of Boats, Recreational Vehicles and Similar Equipment
Storage of boats, recreational vehicles and similar equipment shall be permitted, subject to the following standards.

1. Storage shall occur only within a designated area, approved as part of the development plan.
2. Storage areas shall not exceed 25 percent of the lot area of the site.
3. Boats shall be stored on trailers with wheels.
4. Storage areas shall be completely screened from public rights-of-way or adjacent residential zoning districts, utilizing either the buildings associated with the storage facility or by an opaque masonry wall, or equivalent approved by the Director, a minimum of six feet in height.

(b) Transit Oriented Developments
Developments that are at least 100 acres in size may contain self-service storage facilities designed principally to serve the project, subject to the following criteria:

1. The facility shall not be located within the Village Center.
2. The square footage of the facility shall not count toward the allowed non-residential intensity allowed by §407.65(d)3.
3. The building(s) containing the use shall exhibit architectural detail similar to other buildings in the development.
4. Storage unit entrances shall not be visible from the right-of-way.
5. Building facades facing public streets shall meet the building design requirements of §407.69(b)4.
6. Outside storage of boats, recreational vehicles and similar equipment is not allowed.
Chapter 404. Use Regulations

Article 19. Vehicles Sales and Service

404.77 Vehicle Sales and Service

Vehicle sales and service is permitted by right in the BA, BA-1, MS, and MP districts, and may be allowed by special exception in the BW district. In the MB district, this use shall be limited to the sales and service of boats. Vehicle sales are allowed as a limited use in Traditional Neighborhood and Transit Oriented Developments subject to the following standards:

(a) Vehicles for sale shall be kept in a fully enclosed building, except that one vehicle per 5,000 square feet of building area may be displayed internal to the block. For multi-tenant buildings only the area of the establishment selling the vehicles may be counted toward the calculation of vehicles allowed. The location of these vehicle display areas shall be identified on the development plan.

(b) All buildings shall meet the design standards of Chapter 407, Article 7, Traditional Neighborhood and Transit Oriented Developments.

(c) In developments greater than 100 acres in size, inventory for vehicle sales and service may also be located interior to a block or within a transitional off-street parking area as provided for in §407.68(c)1.e or §407.68(c)1.f. No additional signage shall be allowed on the transitional off-street parking area. If the inventory is in a parking area that is at the perimeter of the development, the parking area shall be screened from adjacent uses by a medium density buffer as provided for in §407.43 of this ULDC.

404.78 Vehicle and Trailer Rental

Vehicle and trailer rental is allowed as a permitted use in the BA, BA-1, MS, and MP zoning districts. Vehicle and trailer rental is allowed as an accessory use in the BH zoning district subject to the following standards:

(a) Vehicles available for rent at a facility established accessory to another use shall not exceed 8,000 lbs GVWR.

(b) No more than 6 vehicles available for rent may be located on the site at any one time.

(c) No repair or maintenance of the rental vehicles shall occur on site unless the principal use is a service station or car wash.

(d) A dedicated parking area shall be designated for the rental vehicles.

(e) Development plan approval shall be required.

404.78.5 Service Station

Service Stations are permitted by right in the BH, BA, and BA-1 districts and are allowed by special exception in the BW district. Service stations are allowed as a limited use in Traditional Neighborhood and Transit Oriented Developments subject to the following standards:

(a) Service stations shall be located in multi-tenant buildings and proximate to park and ride facilities, if present.

(b) Stalls, bays or other servicing facilities and vehicles awaiting service shall be located to the rear of buildings and either be architecturally integrated with the principal building or be screened from the street.
Chapter 404. Use Regulations

Article 19. Vehicles Sales and Service

404.79 Vehicle Repair

Vehicle repair is permitted by right in the MS and MP districts. It is allowed as a limited use in the BA and BA-1 districts, subject to the following standards.

(a) Permitted Activities

Vehicle repair includes tune ups, oil and fluid changes and similar maintenance work. Vehicle repair also includes the repair or replacement work on the following parts or systems: air conditioning, alternators, brakes, front end alignment, mufflers, radiators, starters, tire alignment and balancing, tire repair and replacement, and window and lock repair and replacement, removing or rebuilding engines or transmissions, steam cleaning engines, paint and body repair and frame repair.

(b) Bay Doors

Bay doors shall be oriented to the side or rear of the building.

(c) Conduct of Work

All repair work shall occur within an enclosed structure.

404.80 Fuel Sales

Fuel sales are allowed as a limited use in Traditional Neighborhood and Transit Oriented Developments and as an accessory to a principal use in the A-RB, BR-1, BH, BA, and BA-1 districts and may be allowed by special exception in the BR and BW districts, provided that the locations of fuel pump islands and fuel storage tanks meet the standards in this Section and the requirements of Article 8 of Chapter 406 for High Aquifer Recharge Areas. Other structures on the premises shall follow the standards for the zoning district. Within the MB district, fuel sales shall be limited to boats and other water vehicles.

(a) Location of Fuel Pump Islands

Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten feet from any other property line or 12 feet from any building line.

(b) Location of Fuel Tanks

Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.

(c) Additional Standards for Traditional Neighborhood and Transit Oriented Developments

1. Building shall be designed to meet a nationally or locally recognized green building standard.

2. At least one electric vehicle charging station shall be provided for every four fueling stations. At least two fueling stations shall provide diesel and at least two fueling stations should be available for conversion to an alternative fuel such as liquefied petroleum gas (LPG) or compressed natural gas (CNG).
Chapter 404. Use Regulations

Article 20. Outdoor Storage and Display

404.81 Outdoor Storage

Outdoor storage of merchandise, inventory, equipment, or similar material is permitted as an accessory use, in the A-RB, HM, BH, BA, BA-1, BW, MS, MP, and MB districts, subject to the following standards.

(a) Permitted Activity
Any outdoor storage shall be incidental and subordinate to the primary use located on the property.

(b) Location
Outdoor storage areas shall not be located in any required setbacks, fire lanes or sidewalks as provided on an approved development plan.

(c) Screening
The Development Review Committee may require any outdoor storage area to be screened with a minimum six foot tall masonry wall; six foot tall opaque fence, such as vinyl or wood (no chain link); existing dense vegetation; or a berm three feet in height planted with materials that at maturity shall reach a combined minimum height of six feet. Within the HM and BH districts, storage areas shall be located to the side or rear of the principal building and completely screened from view.

(d) Exceptions
The following uses or materials are exempt from these requirements:

1. storage and sales of landscape plant material; and
2. storage of material used for road construction on a lot directly adjacent to the roadway under construction; and
3. uses that allow outdoor storage by definition or as otherwise provided in this ULDC.

404.82 Outdoor Display

Temporary outdoor display of merchandise, inventory, equipment, refuse, or similar material is permitted as an accessory use in the A-RB, BP, BR, BR-1, BH, BA, BA-1, BW, MS, MP, and MB districts and in Traditional Neighborhood and Transit Oriented Developments. As part of the final development plan, the applicant shall demonstrate that the proposed use complies with these standards.

(a) Storage Requirement
Merchandise must be mobile and stored indoors overnight.

(b) Nature of Use
Merchandise display must be accessory to a principal use located on the same property.

(c) Use Restrictions
Merchandise shall not be located in or obstruct any required setback, parking space, loading space, loading area, vehicular use area, fire lane, landscape buffer, sidewalk, ADA accessibility route, or drainage easement.
404.82.5 Parking of Trucks, Recreational Vehicles and Trailers

The parking of serviceable trucks, recreational vehicles and trailers is allowed as an accessory use in the A, A-RB, RE, RE-1, R-1aa, R-1a, R-1b, R-1c, RM and RM-1 districts, subject to the following standards. Unserviceable vehicles shall be subject to the requirements of Chapter 74, Article 3 of the Alachua County Code regarding the accumulation of junk and unserviceable vehicles.

(a) Parking of Trucks, Trailers and other Non-recreational Vehicles

The following standards shall apply in all residential districts to the parking of serviceable trucks, trailers, and vehicles other than recreational vehicles.

1. Parking for any truck, trailer, or other vehicle is permitted inside any enclosed structure that complies with the dimensional standards and/or setback requirements of the district in which it is located.

2. Parking shall not be allowed outside of an enclosed structure for any of the following, whether for personal or commercial use:
   a. Semi trucks;
   b. Semi trailers;
   c. Box trucks;
   d. Panel trucks; or
   e. Buses, except those located on the site of a legal institutional use

3. Trucks, trailers, or other vehicles shall not be parked in the setbacks of a lot, except as normally exists in driveways.

(b) Parking of Recreational Vehicles

1. The following standards shall apply in all residential districts to the parking, storage or keeping of serviceable recreational vehicles:
   a. Parking is permitted inside any enclosed structure that complies with the minimum dimensional standards and/or setback requirements of the district in which it is located.
   b. Parking is permitted outside any structure in the side or rear yard, provided the recreational vehicle is a minimum of two feet from the lot line.
   c. Parking is permitted outside any structure in the front yard, provided:
      i. Space is not available in the rear or side yard and no structure for storage is available or there is no access to either the side or rear yard.
      ii. The recreational vehicle must be parked perpendicular to the front property line. No part of the vehicle may extend over a public sidewalk, bike path, or street.

2. Parking of recreational vehicles is permitted only for the purpose of storing the vehicles within residential or agriculture districts, and such vehicles shall not:
   a. Be used for the storage of goods, materials or equipment other than those items considered to be part of the vehicle essential for immediate use;
b. Discharge or discard litter, effluent, sewage or other matter into any public right-of-way or upon any private property while parked;

c. Be occupied or used for living, sleeping, or housekeeping purposes for a period in excess of seven consecutive days, not to exceed 14 days in any calendar year, except as provided in subsections (b)3 and (b)4 of this section. This does not preclude a vehicle from being plugged in for climate control purposes, however, the vehicle shall be stored in a road ready manner with any awnings and slide rooms securely closed and ready for travel; or

d. Be stored or occupied on any vacant, unoccupied or unimproved lot.

3. A recreational vehicle may be used for living, sleeping, or housekeeping purposes if located in an RM-1 district provided for that use subject to the limitations of §403.23(i)1.

4. A recreational vehicle may be utilized for living, sleeping and housekeeping purposes in designated areas as part of a state or locally approved management plan for parks, preserves and historic sites.
Article 21  Wholesaling, Warehousing, Storage and Distribution

404.82.6  Wholesaling, Warehousing, Storage and Distribution
Wholesaling, warehousing, storage and distribution is allowed as a permitted use in the BW, ML, MS and MP districts. Wholesaling, warehousing, storage and distribution of agricultural related products is allowed as a special exception in the A and A-RB districts subject to the following standards.

(a)  Permitted Activities in A and A-RB
Wholesaling, warehousing, storage and distribution of agricultural related products shall be limited to animal feed and supplies, fertilizers and pesticides, farm equipment and farm supplies, horticultural or garden items and bulk food products.

(b)  Outdoor Storage in A and A-RB
Outdoor storage shall be limited to farm equipment and supplies and horticultural and garden items only.

404.83  Storage Yard
A permanent outdoor storage yard is allowed as a limited use in the MS and MP districts, subject to the following standards.

(a)  An outdoor storage yard shall be a minimum of 25 feet from any public street.

(b)  Such yard shall be completely enclosed, except for necessary ingress and egress, by a solid fence or wall not less than six feet high.

(c)  Where bulk storage of flammable liquids is permitted, a special exception shall be required, and the following standards shall apply. No special exception shall be issued unless the application demonstrates that the proposed use complies with these standards, and the requirements of Article 8 of Chapter 406 for High Aquifer Recharge Areas.

1.  Where the bulk storage of flammable liquids is permitted, the following standards shall apply. No permit shall be issued unless the application demonstrates that the proposed use complies with these standards.

2.  A lot to be used for the bulk storage of flammable liquids shall be a minimum of 200 feet, measured in a straight line, from the nearest wall of any structure used as a place of worship, school, hospital, nursing home, or theater, except open-air or drive-in theaters. This provision shall not prevent the use of liquefied gases for domestic heating purposes.
Article 22  Light Industrial

404.83.5  Light Industrial
Light industrial uses include office, research and development, and small-scale manufacturing that take place in fully-enclosed structures. Manufacturing activities typically have no off-site impacts, do not require the bulk storage of raw materials outdoors, and may not require heavy volumes of traffic to supply materials. Light industrial uses are permitted in the ML, MS, and MP zoning districts.

404.84  Research, Development, or Experimental Laboratory
A research, development, or experimental laboratory is permitted by right in the ML, MS and MP districts. In the HM district, this use shall be limited to investigation, testing, or experimentation related to human health and medical research.
Article 23  Waste-Related Services

404.85 Junk, Salvage or Recycled Metal Yard
A junk, salvage, or recycled metal yard may be allowed by special exception in the MS and MP districts, subject to the following standards and the requirements of Article 8 of Chapter 406 for High Aquifer Recharge Areas.

(a) Review and Approval
An application to establish a junk, salvage or recycled metal yard shall include the following materials.

1. Environmental Assessment
   The environmental assessment shall be prepared by a registered engineer, landscape architect, architect or environmental professional with the appropriate qualifications and shall include the following information:
   a. all applicable federal, state and county standards for protection of water, air and other natural resources; and
   b. the manner in which the proposed facility complies with all requirements.

2. Plan of Operation
   A proposed plan of operation for the facility shall include the following:
   a. days and hours of operation; and
   b. manner of disposal or sale of waste products or recycled materials.

3. Conditions of Approval
   As part of considering an application for development approval, the Board of County Commissioners may include conditions that address the following:
   a. containment structures and procedures to protect ground water resources;
   b. dust and emission control;
   c. fencing of processing, storage and shipping areas as required by subsection (e) below;
   d. height of stockpiles of processed and unprocessed materials;
   e. hours of operation;
   f. lighting;
   g. monitoring program for protection of air, natural and water resources;
   h. litter control;
   i. noise; and
   j. traffic impacts, including any truck traffic on local residential roads.

(b) Prohibited Activities
1. Sale of Vehicles
   The sale of operable vehicles is prohibited.
Chapter 404. Use Regulations

Article 23. Waste-Related Services

2. Processing of Debris

A yard or facility shall not process any woody or vegetative wastes or construction or demolition debris.

(c) Minimum Lot Area

The minimum lot area shall be five acres.

(d) Compliance with Natural Resources Protection Laws

A yard shall comply with all applicable federal, state and County regulations regarding protection of air, ground water, surface water and other environmental and natural resources.

(e) Screening

All junk, salvage or recycled metal yards shall be screened from view of a public right-of-way on all sides by an opaque masonry wall a minimum of six feet in height and with two feet of ornamental superstructure. The required wall along a public right-of-way shall conform to the front yard requirement of the district in which it is located.

(f) Storage of Materials

1. Materials stored on-site shall be retained for a maximum of 15 days prior to processing.

2. Processed materials shall be stored on-site for a maximum of 45 days.

(g) Fire Protection

The facility shall adopt and maintain a fire prevention and suppression program, including all necessary equipment that is acceptable to the Alachua County Fire Rescue Department.

404.86 Solid Waste Transfer Station

A solid waste transfer station is allowed as a limited use in the A, MS and MP districts, subject to the following standards.

(a) Compliance

A solid waste transfer station shall comply with Chapter 62.701, Florida Administrative Code, and other applicable federal, state and Alachua County Health Department requirements.

(b) Minimum Lot Area

The minimum lot area shall be five acres.

(c) Monitoring

If required by the Director, a ground water and surface water monitoring system shall be established and maintained by the applicant.

(d) Screening

Screening of the transfer station facility shall be installed, as required by Article 4, Landscaping, of Chapter 407. Screening may include a permanent building or structure constructed as part of the transfer station.
(e) **Prohibited Materials**

Materials that are prohibited at transfer stations shall include hazardous waste, asbestos, biomedical waste, biological waste, radioactive waste, sludge and liquid waste.

**404.87 Package Treatment Plant**

A package treatment plant may be allowed as a special use permit in any district, subject to the standards outlined in Chapter 407, General Development Standards, §407.114.

**404.88 Spray Irrigation**

Spray irrigation of reclaimed water is allowed as a limited use in any district except C-1, subject to Development Review Committee review and the standards outlined in Chapter 406, Natural and Historic Resources Protection, §406.70(d).

**404.89 Land Application of Biosolids**

Land application of Class A & B residuals biosolids may be allowed as a special exception in the A and A-RB districts outside of the Urban Cluster, and subject to the standards outlined in Chapter 406, Natural and Historic Resources Protection, §406.70(f). The land application of Class AA residuals biosolids as defined in Rule 62-640, F.A.C. is not subject to the special exception requirement. Large scale land application of biosolids is not allowed in High Aquifer Recharge Areas.

**404.89.5 Materials Recovery, Recycling and Composting**

Materials recovery, recycling and composting facilities may be allowed by special exception in the MS and MP districts, subject to the following standards and the requirements of Chapters 403 and 406 of this ULDC.

(a) **Submittal Requirements**

An application to establish a materials recovery facility shall include the following materials.

1. **Environmental Assessment**
   
The environmental assessment shall be prepared by a registered engineer, landscape architect, architect or environmental professional with the appropriate qualifications and shall include the following information:
   
a. All applicable federal, state and county standards for protection of water, air and other natural resources; and
   
b. The manner in which the proposed facility complies with all requirements.

2. **Plan of Operation**
   
A proposed plan of operation for the facility shall include the following:
   
a. Days and hours of operation; and
   
b. Manner of disposal or sale of waste products or recycled materials.

(b) **Conditions of Approval**

As part of considering an application for development approval, the Board of County Commissioners may include conditions for the special exception that address the following:

1. Containment structures and procedures to protect groundwater resources;
2. Dust and emission control;
3. Fencing of processing, storage and shipping areas as required by subsection (d) below;
4. Height of stockpiles of processed and unprocessed materials;
5. Hours of operation;
6. Lighting;
7. Monitoring program for protection of air, natural and water resources;
8. Litter control;
9. Noise; and
10. Traffic impacts, including any truck traffic on local residential roads.

(c) Compliance with Natural Resources Protection Laws
A materials recovery, recycling or composting facility shall comply with all applicable federal, state and country regulations regarding protection of air, groundwater, surface water and other environmental and natural resources.

(d) Screening
All materials processed or waiting to be processed at the facility shall be screened from view of a public right-of-way on all sides by an opaque masonry wall a minimum of six feet in height. The required wall along a public right-of-way shall conform to the front yard requirement of the district in which it is located.

(e) Storage of Materials
1. Materials stored on site shall be retained for a maximum of 15 days prior to processing.
2. Processed materials shall be stored on site for a maximum of 45 days.

(f) Fire Protection
The facility shall adopt and maintain a fire prevention and suppression program, including all necessary equipment that is acceptable to the Alachua County Fire Rescue Department.
Article 24  Mining or Excavation and/or Fill Operations

404.90  Purpose
The purpose of this Article is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or preservation areas identified on the Future Land Use Map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the County.

404.91  Applicability
The requirements of this Article shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special use permit, mining master plan, development plan or mining permit approved by January 30, 2006. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this Article. In addition, any mining or excavation and fill operation shall be subject to the requirements of this Article as part of any annual report, as required by §404.102, or as a result of an application to expand or modify the facility.

404.92  Exemptions
The activities listed below are exempt from the requirements of this Article.

(a)  Approved Development
Grading, land clearing, land filling, site development and related activities undertaken in accordance with an approved development plan, building permit, or similar permit issued by Alachua County.

(b)  Public Improvements
Onsite excavation or filling in connection with the construction, maintenance or repair of a public facility or improvement carried out under the supervision of Alachua County or the Florida Department of Transportation (FDOT), or off-site borrow pits constructed on private property in conjunction with a County or FDOT Construction Permit. Off-site borrow pits on private property shall be subject to administrative review by the Department prior to commencement of any development activity.

(c)  Minor Excavation or Filling
Filling or excavation activity which involves the removal or filling of less than 200 cubic yards of material at a single site or removal or filling of greater than 200 cubic yards of material that does not impact regulated resource areas or involve areas within flood hazard areas and is for purposes of creating an agricultural-type pond consistent with §401.20(d)4. For the purposes of this Article, a single site is defined to be one parcel or a group of contiguous parcels under common ownership.

(d)  Emergencies
Filling or excavation activity undertaken in connection with the emergency filling of a newly formed or newly expanded sinkhole, or severe erosion problem, other subsidence or similar circumstances affecting the public health, safety, or welfare, as determined by the County.
Chapter 404. Use Regulations

Article 24. Mining or Excavation and/or Fill Operations

404.93 Limitation on Exemptions
The activities identified in §404.92 shall not be considered exempt and must comply with the provisions of this Article, if the activity requires permits from a water management district, the Florida Department of Environmental Protection (FDEP), or U.S. Army Corps of Engineers, or the activity occurs within a floodplain or conservation area.

404.94 Permitted Location of Mining, Excavation and Fill Operations
Mining or excavation and fill operations may be permitted, subject to the requirements of this Article and other applicable requirements in this ULDC, only within areas designated Rural/Agriculture on the Future Land Use Map.

404.95 Special Use Permit and Development Approval Required
Activities related to a new or expanded mining or excavation and fill operation shall not commence until a special use permit has been issued by the Board of County Commissioners and a development plan, meeting the conditions of the special use permit, has been approved by the Development Review Committee.

(a) Expiration of Special Use Permit and Development Plan
Approval of a special use permit and development plan for a mining or excavation and fill operation shall be valid for a maximum of five years, except for excavation, clean debris and land clearing debris operations, which shall be valid for a period specified in the special use permit necessary for the completion of all operations, including necessary reclamation. Failure to obtain final development plan approval from the DRC for a mining or excavation and fill operation within one year of the special use permit approval by the Board of County Commissioners shall result in the automatic expiration of the special use permit. Renewal requests for C&D debris Special Use Permits where the applicant is not requesting any changes to the permit conditions other than to extend the life of the permit and has not had any violations since the last renewal submittal, or initial special use permit approval, if this is the first renewal request, shall be evaluated as a minor amendment as provided in §402.126. Applicants meeting this criteria need to provide general survey information for the areas altered since last submittal but are not required to submit a topographic survey.

(b) Amendment of Special Use Permit
An extension of time for an approved special use permit may be granted as an amendment to the existing approval, subject to the requirements of Article 18 in Chapter 402. Any amendments to an approved development plan or changes to the approved conditions will also require an amendment to the existing special use permit.

(c) Transfer of Special Use Permit
A special use permit for a mining or excavation and fill operation may be transferred subject to the standards listed below.

1. Notification
The permittee of a special use permit shall file a notice of transfer with the Growth Management Department, in a form approved by the County.
2. **Evidence of Financial Responsibility**
   The transferee shall provide, in a form acceptable to the County, proof of financial responsibility as required by §404.103 of this Article.

**404.96 General Standards for Mining or Excavation and Fill Operations**

The standards listed below shall apply to all mining or excavation and fill operations.

**(a) Prohibited Activities**

Unless permitted by a special use permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.

1. **Surface Waters and Wetlands**
   Mining, excavation or filling shall not be permitted in surface waters or wetlands, except as provided in the applicable requirements of this ULDC. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated except as provided in the approved development plan.

2. **Operations in Groundwater**
   Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of an aquifer beyond the boundaries of the approved mining or excavation and fill operation.

3. **Vibration**
   Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.

4. **Blasting**
   Where specifically permitted by the conditions of a special use permit, blasting or other use of explosives shall comply with all applicable federal, state and county standards.

5. **Degradation of Water Quality**
   All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.

**(b) Limited Disposal of Materials**

In a mining or excavation and fill operation, disposal of materials as fill is limited to construction and demolition debris or further limited to clean debris and land clearing debris, as specified by the approved special use permit for the site.

1. **Construction and Demolition Debris**
   Construction and demolition debris shall be limited to glass, brick, concrete, asphalt material, gypsum wallboard, and lumber (excluding CCA pressure-treated), nonrecyclable scrap metal (steel, iron, aluminum), clay construction...
materials (brick, pipe), and plastics (pipe, sheeting), uncontaminated soil and rock and land-clearing debris from construction projects. Asbestos materials are specifically excluded. Contamination of construction and demolition debris with any amount of other types of solid or hazardous waste will cause it to be classified as other than construction and demolition debris.

2. **Clean Debris and Land Clearing Debris**

   Clean debris shall be limited to brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees, and other vegetative matter from land clearing for a construction project.

(c) **Hours of Operation**

   Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special use permit.

(d) **Access Routes**

   Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.

(e) **Temporary Road Stabilization**

   On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The development plan shall include an identification of all areas proposed as asphalt or material storage areas and a procedure for the disposal of material utilized for temporary road stabilization.

(f) **Dust Controls**

   Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation with the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the DRC and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

404.97 **Site Development and Operational Standards**

   All mining or excavation and fill operations, activities and structures shall comply with the standards in this Section for site development and operations on site. Existing mining, excavation and fill sites or reclamation projects operating with current and valid special use permits originally
approved prior to January 30, 2006 shall be exempt from the operational standards found in this section unless otherwise required as a condition of the special use permit.

(a) Setbacks

Each operation shall comply with minimum setbacks, based on features on or adjacent to the site and on the future land use designations of surrounding properties, and established in Table 404.97.1 below.

<table>
<thead>
<tr>
<th>Adjacent Natural Features or Future Land Use Designations</th>
<th>Mining Activities&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Excavation and Fill Activities&lt;sup&gt;2&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public ROW or public or private utility easement</td>
<td>200</td>
<td>50</td>
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<tr>
<td>100-year floodplains</td>
<td>200</td>
<td>200</td>
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<tr>
<td>Identified conservation areas</td>
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<td>Potable water wells</td>
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<tr>
<td>Conservation or Preservation</td>
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<tr>
<td>Commercial or Tourist/Entertainment</td>
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<td>150</td>
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<tr>
<td>Institutional or Recreation</td>
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<td>Industrial</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Rural/Agriculture</td>
<td>200</td>
<td>100</td>
</tr>
</tbody>
</table>

<sup>1</sup>Includes processing plants, ponds or structures for settling, thickening, tailings and slime.

<sup>2</sup>Includes spoil piles, stockpiles, or storage of materials.

(b) Screening and Buffering

1. Visual Buffers

A medium-density buffer of at least 50 feet in width shall be provided along the entire boundary of the mining or excavation and fill site. Where the site is adjacent to or within 300 feet of urban residential or estate residential land uses, a medium-density buffer of at least 100 feet in width shall be provided. Points of access shall be given exception from these minimum buffer requirements. To the greatest extent possible, natural vegetation and foliage existing on the site shall be retained to establish buffers. If the natural vegetation and foliage does not provide adequate visual buffer or noise attenuation, additional plantings, fences, earth berms or similar materials may be required.

2. Buffers for Significant Geologic Features

Buffers to significant geological features shall be those set forth in Chapter 400Article 1.

3. Setbacks Where Blasting Proposed

Where blasting is proposed as part of the mining operation, setbacks sufficient to protect significant geologic features, including subsurface conduits, are required.
(c) M**aximum Heights**

1. **Buildings and Structures**
   All buildings and structures shall comply with the height of the zoning district in which the mining or excavation and fill operation is located, and may be further limited by the conditions of the special use permit.

2. **Stockpiles, Spoil Piles, and Storage of Materials**
   Spoil piles, stockpiles, or storage of excavated materials shall not exceed 50 feet in height, and may be limited further by the conditions of the special use permit.

(d) **Fencing and Security**

Unless otherwise provided by the Board of County Commissioners, each mining or excavation and fill site shall be completely enclosed by a fence consisting of chain link, field wire, or other material not less than six feet in height, with a heavy duty, locking, security gate at each access point. All gates shall be kept locked at all times unless an employee of the owner or operator is on site. All fences and gates shall prominently display permanent "No Trespassing" signs a minimum of every 500 feet.

(e) **Test Borings**

For proposed new or expanded mining or excavation and fill operations, test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial and Floridan aquifers and the locations of groundwater tables on a site. In existing operations, new test borings shall be performed prior to development of new excavation or mining areas. At a minimum, the test borings shall comply with the standards listed below.

1. **Minimum Depth**
   All borings shall be conducted to a depth of not less than 10 feet below the deepest proposed mining or excavation.

2. **Maximum Spacing**
   All borings shall be spaced at a minimum of 500-foot intervals in two transverse directions.

3. **Log Content**
   The boring log shall indicate the geologic description and thickness of all strata encountered, including topsoil, overburden, mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater in relating to individual borings.

(f) **Filling in Surficial Aquifer**

Filling may be permitted in groundwater of the surficial aquifer system, in excavation and fill operations or in limestone pits or quarries, but shall be limited to clean soil or rock materials including sand, clay, or limestone. Exceptions to these standards may be considered if liners, leachate collection systems and cover systems are proposed for a site.
Chapter 404. Use Regulations
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(g) Groundwater Standards
For each mining or excavation and fill operation, a groundwater quality system shall be installed according to the standards of the Florida Department of Environmental Protection (FDEP). Groundwater quality on each site of a mining or excavation and fill operation shall be monitored according to the standards of the FDEP, and all test results from monitoring wells shall be provided to the County. For the purpose of sampling and analysis to gather baseline data regarding ground water resources, the County shall have access to all test wells on site.

(h) Dewatering
Dewatering operations shall be planned and controlled so as to provide minimum drawdown of the shallow groundwater table. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent wetland areas shall be terminated until such time as a satisfactory plan is approved by the DRC to maintain water levels in such areas.

(i) Planned Water Bodies
Planned water bodies or groundwater lakes incorporated in the final reclamation plan are required to meet the following standards:

1. Bodies of water shall be designed for a minimum depth of eight feet over a minimum of 80 percent of the water surface area.
2. A minimum of ten percent of the lake shall be refilled to shallower depths of two to four feet in order to encourage aquatic plant growth and fish propagation.
3. If side slopes different from the ten percent ratio are proposed, terracing may be utilized, subject to approval by the DRC for an engineering evaluation of the long-term stability of such slopes.

404.98 Additional Excavation and Fill Operation Requirements

(a) Method of Excavation
The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the site. The use of the land shall be so that excavation is brought to the permitted depth at one part of the property and then proceeds to the remainder of the property.

(b) Depth of Excavation
Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than 15 vertical feet above the top of the Floridan Aquifer, to ensure that a minimum of 15 feet of undisturbed soil remains above the wet season high water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks at 500 foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure 15 feet of undisturbed soil remains above the top of the Floridan Aquifer.

(c) Continuous Reclamation
Permanent vegetative cover shall be established in five or ten acre increments. Upon filling of five acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten acres of the site is
being actively filled. For those areas that are not planned for backfilling, 1:4 (rise:run) side slopes shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than 90 days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil’s condition and terrain features prevalent on the site.

404.99 Additional Mining Operation Requirements

(a) Method of Excavation

All excavation of overburden shall be accomplished in a manner conducive to segregated stockpiling of differing geologic materials. Topsoil, clean sands and clayey soils shall each be stockpiled separately or layered in stockpiles in such a manner as to avoid commingling of differing geologic materials, and in all cases care shall be taken to avoid contaminating topsoil with clayey materials.

(b) Soil Restoration

Upon completion of the mining operation, restoration of the ground surface shall be accomplished by replacement of each of the differing soil types in reverse sequence from that in which they were removed. Each separate layer, horizon or geologic strata shall be replaced and consolidated before the succeeding layer is replaced. Topsoil uncontaminated with clayey materials shall be placed as the final surface cover on all mining operations.

(c) Final Contours

Contours shall be regraded as closely as possible to those existing originally on the site unless the reclamation plan has established an alternate set of contours as being more desirable for the final intended use of the reclaimed land. If the nature of mining operations is such that quantities of available spoil material are not adequate for restoration to original contours, than the site shall be reclaimed so that no slope is steeper than one foot of vertical run to six feet of horizontal run, except in the case of limerock cuts, which shall be left at a stable slope.

404.100 Required Materials for Special Use Permit Review

The information in this Section shall be submitted by an applicant as part of special use permit review.

(a) Project Description

A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:

1. types of minerals or materials to be mined or excavated on the site;
2. the nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;
3. estimated total area, in acres, to be mined or excavated and filled;
4. proposed approximate dates for beginning and completing all mining or excavation and fill operations;
5. proposed days and hours of operation;
6. proposed method for onsite processing of minerals or materials;
7. proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;
8. a description of truck or transportation routes to be used for transport of minerals, materials or fill, onsite and within 1,000 feet of the site;
9. a description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;
10. the anticipated number of trips per day to or from the site; and
11. the destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transportation.

(b) Location Map
This map shall show the location of the site and boundaries of property lines in relation to state and County roads.

(c) Aerial Photograph
An aerial photograph taken within one year of application submittal, showing property lines and areas proposed for mining, excavation or fill.

(d) Development Plan
This graphic shall include the following features:
1. all property lines within 500 feet of subject property;
2. public and private roads, paved or unpaved;
3. planned access from public or private roads;
4. utility lines and easements on site;
5. septic tanks and drain fields on site;
6. conservation areas on or adjacent to site;
7. the approximate location and acreage of existing and proposed mining or excavation and fill areas, with a legend relating approximate time frames of activity within these areas;
8. cross-sectional of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic materials, based on test borings performed on the site;
9. proposed location of groundwater monitoring wells on the site;
10. proposed location of buildings and structures on site, including pipelines;
11. proposed location of height of milled asphalt storage piles, stockpiles, and spoil or other excavated materials;
12. proposed location of tanks for liquids stored on the site;
13. location of all fences, walls, earth berms or vegetative buffers to be installed or existing on site;
14. dimensions and total square feet of existing and planned impervious areas on the site;
15. location and dimensions of planned stormwater management facilities;
16. setbacks proposed for all structures and operations; and
17. existing potable water wells within 500 feet of the site boundaries.

(e) Floodplain Map
A USGS floodprone area map or USGS topographic map with 100-year floodprone areas is acceptable. The map shall include property lines of the proposed mining or excavation and fill site. The Director shall have the right to require the applicant to submit data to establish the location of the 100-year floodprone area.

(f) Soils Map
A map of generalized soils, with property lines delineated. Natural Resource Conservation Service (NRCS) maps may be used for general reference.

(g) Site Topography
A map of topography consistent with the 7 ½ USGS Minute Series or any more recent replacement, showing property lines and contour lines on the site at a maximum of two-foot intervals.

(h) Water Resources
A map of all wetlands and aquifer recharge areas on the site, delineating project property lines. This map shall show the proposed location of test wells on the site, which will be used to determine average and seasonal high water table depths and the direction of flow gradient.

(i) Survey of Site
The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one year prior to the application submission. The survey shall include locations and elevations of required 500-foot-centered benchmarks in areas designated for mining, excavation, or fill.

404.101 Required Materials for Development Plan Review
In addition to the requirements for special use permit review, the information indicated in this Section shall be submitted by an applicant as part of development plan review.

(a) Environmental Assessment
An environmental assessment shall be submitted according to the requirements of Chapter 406 of this ULDC.

(b) Hazardous Materials Management Plan
A hazardous materials management plan shall be submitted to establish a mining or excavation and fill operation or to extend the approval period of such operation. This plan shall be evaluated and found adequate by the Development Review Committee as a condition of final development approval. A hazardous materials management plan shall address, but is not limited to the following:

1. establishment of procedures for the prevention of releases of hazardous wastes into the natural environment, including air, ground water and surface water resources;
2. establishment of procedures for identification, removal, disposal and remediation of releases of hazardous wastes into the natural environment;
3. identification and use of proper procedures to prevent improper release into the environment of vehicle maintenance materials used on site, including fluids, lubricants, oils and similar materials, and to ensure such materials are utilized and disposed of in accordance with manufacturer’s specifications;

4. establishment of procedures for the identification, collection and disposal of wastes, other than clean debris or land clearing debris, that may be delivered to approved excavation and fill sites; and

5. establishment of a method for monitoring the identification, disposal and mitigation of adverse impacts from unauthorized materials.

(c) Waste Management Plan

A waste management plan for the handling of unauthorized wastes shall be established for the purpose of outlining procedures for properly managing the removal and disposal of such wastes identified on the site. This plan shall be evaluated and found adequate by the Development Review Committee as a condition of final development approval.

1. Effect of Unauthorized Materials Present on Site

If unauthorized materials are present on site and can, based upon the specific nature of such materials and their threat to ground water quality, or the amount of such materials on site, or the location of such materials in relation to groundwater resources, the Director of EPD may authorize monitoring of the threat of such materials to contaminate water quality.

2. Materials Used On Site

Any materials such as lubricants, hydraulic fluids, oils or other materials used in equipment maintenance shall be properly stored, collected and disposed of. The management plan shall outline spill cleanup and disposal procedures to deal with lubricants, oils and similar materials used on site but not within the scope of the permit for disposal on site.

(d) Groundwater Quality Monitoring Plan

A water quality monitoring plan, prepared by the applicant, shall be required for one or more of the following: new mining or excavation and fill operations; expansion of existing mining operations; as part of an annual review of an approved special use permit, existing mining or excavation and fill conducted where similar previous site activities may have degraded groundwater or surface water quality; or in instances where there is evidence of disposal of prohibited materials. A water quality monitoring plan shall include the information listed below.

1. The type of device or procedure to be installed or followed.

2. The monitoring, sampling and reporting schedule to be followed.

3. The proposed depth, locations and construction details for monitor wells or water quality monitoring stations.

4. The proposed water sampling program with anticipated sampling schedule and parameter coverage. A proposal for the compilation of data and the submission of reports to the EPD.

5. A proposal for the compilation of data and the submission of reports to the EPD.
(e) Reclamation Plan

A reclamation plan, prepared and sealed by a professional engineer, shall be submitted with the application for a mining or excavation and fill operation. The plan shall describe the proposed mining and land reclamation operations and procedures to be followed for a minimum period of five years. The plan shall include the information required here and shall comply with applicable federal, state or water management district requirements.

1. Areas to be Reclaimed

The total area of the entire mined, excavated, or otherwise disturbed area that is to be reclaimed, in both percent of site area and total acres, as well as an annual schedule for the areas to be reclaimed.

2. Reclamation Methods

A description of the manner in which restructuring, reshaping, and revegetation will be accomplished.

3. Reclamation Timetable

A timetable detailing the estimated time periods for stages of reclamation and reuse after the mining, excavation and fill activity has been completed. A time limit for completion of reclamation shall not be placed on areas reserved for slime ponds or settling ponds in mining operations.

4. Potential Future Uses of Site

The potential and planned uses of the reclaimed area and an analysis of how proposed reuse complies with the Comprehensive Plan. Areas utilized for mining or excavation and fill operations shall not be reused for residential purposes, except where engineering data is submitted showing that there has been adequate compaction to allow the type of residential construction proposed.

5. Final Buffers and Screening

The location of fences, walls, earth berms, or vegetative buffers required for reclamation.

6. Proposed Erosion Control

Proposed erosion control measures, including final site grading, final slopes and the locations and types of trees, grasses or other plant materials to be utilized.

7. Water Bodies and Stormwater Facilities

The location, size and water elevations of any water bodies or stormwater facilities proposed as a permanent feature following mining operations. The proposed method for retaining water levels in permanent lakes.

(f) Mining Operations Plan

The plan shall contain information regarding proposed mining and excavation on the site, including but not limited to the following information:

1. the ultimate method for disposal of stockpiles, spoil piles, or other materials stored on the site;
2. the proposed dewatering plan, including the method of disposal for water created by this process, the location and size of any disposal areas, and the method of treatment of any waters to be discharged offsite or into surface waters;
3. estimated annual water consumption, in gallons per day, for all operations and activities;
4. proposed use of water recycling or reclamation processes or techniques, in gallons per day;
5. proposed transfers of water from one watershed or basin to another, including amounts in gallons per day;
6. proposed importing of water from another source, including identification of source, amount in gallons per day, length of transfer in miles, and method of transfer;
7. the anticipated amount of wastes, tailings and similar materials to be produced and plans for disposal including the size and nature of treatment facilities located onsite;
8. the anticipated amounts of airborne emissions from the mining operation, including all equipment, transportation, processing or other sources; and
9. a complete description, including process flow diagram, of any proposed mineral-resource processing operation to be conducted on the site.

404.102 Annual Report
An annual report of any approved special use permit for any mining or excavation and fill operation shall be submitted no later than October 1st of each year. Failure to file an annual report shall be grounds for suspension of an approved development plan and operations on the site. This annual report requirement shall apply to all existing approvals for mining or excavation and fill operations. All reports shall include, at a minimum, the information listed below:

(a) Development Plan Update
A graphic illustration, utilizing the approved development plan for the mining or excavation and fill operation, showing changes to the site during the previous 12 months due to mining, excavation, fill, placement of overburden or materials and similar changes based upon the operations on the site. This graphic shall include an as-built survey. The survey shall include current topographic contours and current survey elevations at 500 foot centered benchmarks to ensure compliance with permitted excavation depths. The graphic shall show the location and acreage of existing excavated, filled, and reclaimed areas, as well as areas proposed for excavation, fill, and reclamation over the next 12 months. The graphic shall also show the location of milled asphalt storage piles on the site.

(b) Operations Update
A written report summarizing the changes occurring to the site during the previous 12 months, accompanied with tabular data indicating the approximate number of acres changed due to mining, excavation, fill and reclamation. The report shall address how such changes are consistent with the requirements of this Article, all applicable approved plans and all conditions of approval of the special use permit.
(c) Report of Waste Stream
A monthly compilation of the incoming waste stream over the last year, including total amounts (in tons or cubic yards) of waste received, as well as the total amounts disposed of at the site, recycled at the site, or transferred to another location for proper disposal or recycling.

(d) Monitoring
The result of monitoring programs, such as groundwater quality monitoring, that are required by the approved special use permit.

(e) Status of Plantings
An update on the status of required plantings in buffers, stormwater facilities, and reclaimed areas, including the number of surviving plantings and any plantings made to maintain required survivorship as defined by the approved development plan.

(f) Certification
Certification by a professional engineer that all mining or excavation and fill operations are carried out in compliance with the approval granted by the Board of County Commissioners and the Development Review Committee, the approved master mining or development plan, all applicable federal, state, water management district or County requirements and in accordance with generally accepted engineering practices.

(g) Enforcement Actions
A description of all code enforcement, legal or other enforcement actions pertaining to the property or operation, initiated by Alachua County or other governmental agency in the preceding 12 months, and the disposition or status of such actions.

404.103 Bond and Surety Requirements

(a) Liability for Mining or Excavation and Fill Operations
The owner and operator of a mining operation shall have absolute liability and financial responsibility for any damages to public or private property, human, animal or plant life, or any mineral or water-bearing geologic formation incurred due to mining or excavation and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined-out lands.

(b) Bond for Reclamation Required
As a condition of special use permit approval, the Board of County Commissioners shall require posting of a reclamation bond. The bond shall guarantee funds in an amount of 110% of the estimated cost to complete all required reclamation of a mining or excavation and fill operation, and may be increased to ensure the financial resources to complete reclamation, including placement of a soil cap and revegetation. The bond shall be maintained in perpetuity or until reclamation occurs, and the Board of County Commissioners may withhold a specified portion of the reclamation bond to ensure the reclamation is completed properly.

1. Forms of Security
Acceptable forms of security may include but are not limited to, a letter of credit, surety bond, or cash bond.
2. **Retention of Security**
   The financial security shall be held by the County until the reclamation plan is implemented and completed for the entire site under permit. Proof of a sureties posted with the Florida Department of Environmental Protection shall satisfy this requirement.

3. **Alternate Form of Security**
   The security may be provided in an alternate form acceptable to the County Attorney.

4. **Posting of Security**
   The financial security shall be reviewed by the County Attorney, and shall be posted prior to issuance of final development plan approval and the initiation of any land excavation and fill operations.

5. **Partial Release of Security**
   If it is determined that the partial completion of reclamation activities reduces the cost of further reclamation, the amount of the financial security may be reduced.
   
   a. At no time shall the security be less than 110 percent of the cost of uncompleted reclamation activities.
   
   b. Reduction in the amount of the financial security shall not occur more often than once in each calendar year.

(c) **Exemptions from Providing Bond or Surety**
   The following shall be exempt from the requirement for financial security required by this Section:

1. Mining or excavation and fill operations that may provide proof of a reclamation bond issued to the Florida Department of Environmental Regulation or other regulating agency that guarantees funds in an amount sufficient to complete all required reclamation of a mining or excavation and fill operation.

2. Units of local, regional, state and federal government operating on government-owned property.

404.104 **Annual Inspection**
In addition to fees for the processing of applications for special use permit and final site plans, the Board of County Commissioners shall impose an annual permit fee for all excavation and fill operations. A separate fee shall be charged for each special use permit approving excavation or fill operations. This fee will be due and payable on October 1 of each year and shall cover the period beginning October 1 and ending September 30 of the following year. In the instance of an operation involving both excavation and filling activities, one fee for both operations shall be imposed. A reduced fee shall be charged for inactive excavation and fill operations. The owner of each excavation and fill operation shall be responsible for notifying the Codes Enforcement Department prior to October 1 of each fiscal year if an excavation and fill operation is inactive. Within this section, the term ‘inactive’ shall mean that no activity commonly associated with an excavation and fill operation has occurred at the site for period of at least 90 days. Notwithstanding the provisions of this section, no unit of local, state or federal government shall be assessed the annuals inspection fee.
Article 25  Public Fairground

404.105  Public Fairground
A public fairground shall be allowed as a limited use in the MS or MP district on that portion of Tax Parcels 07872-003-002 and 07872-003-008 described in the Declaration of Covenants, Conditions and Restrictions recorded in Book 3598, Page 1133 of the Official Records of Alachua County provided that fairground uses include agricultural, community-based or government-oriented activities, and to the extent any of these activities are commercial in nature, said activities shall not exceed a period greater than six (6) consecutive months.
Article 26  **Indoor Sports Training Facility**

404.106  **Indoor Sports Training Facility**

Indoor Sports Training Facilities are allowed as a permitted use in the BR, BR-1, BH, BA, BA-1, and BW zoning districts. Indoor Sports Training Facilities may be allowed as a Limited Use in the ML, MS, and MP zoning districts subject to the following standards to be evaluated through development plan review:

(a) The future land use designation of the property must be Rural Employment Center.

(b) Sales of goods related to activities conducted on the site may be permitted within an area up to 500 sq. ft.
Article 27  Business and Professional Services

404.107  Bank or Financial Institution

A bank or financial institution is allowed as a permitted use in the BP, BR, BR-1, BH, BA and BA-1. The following standards apply to banks or financial institutions as a limited use within the Village Center of a Traditional Neighborhood Development or a Transit Oriented Development:

(a) Banks are allowed a maximum of two drive-through lanes.

(b) Drive-through lanes and drive aisles shall be located at the rear of buildings and shall be architecturally integrated with the building or screened from the street.

(c) If a bank or financial institution provides a drive-through, the building shall be designed to meet a nationally or locally recognized green building standard.
Chapter 404. Use Regulations
Article 28. Resource-based Recreation

Private docks are allowed as limited uses in the unincorporated area subject to the following standards.

(a) Maximum Enclosure Width
If the property width at the lateral shoreline is 80 feet or less, the maximum enclosure width, including any roofed areas, shall not measure more than 16 feet. For lots with more than 80 feet of property width at the lateral shoreline, the maximum enclosure width, including any roofed areas, of a dock shall not exceed 20 percent of the property width at the lateral shoreline unless otherwise approved by the Development Review Committee. Up to three feet of roof overhang may be excluded from these calculations for covered structures. The property width at the lateral shoreline is measured as a straight perpendicular line from one property line to the other at the lake edge.

(b) Other Agency Permits Required
All applicable federal, state and water management district permits are received before beginning construction.

(c) Hazards to Navigation
A dock shall not create a hazardous condition to the navigation of waterways and to other pursuits of water sports.

(d) Impact on Natural Systems
A dock shall not be detrimental to the continued functioning of natural systems, including aquatic vegetation.

(e) Setbacks
If the property width of the lateral shoreline is 65 feet or greater, the dock must be set back at least 25 feet from the side property lines unless otherwise approved by the Development Review Committee (see figure below). If the property width at the lateral shoreline is less than 65 feet, the dock should be centered between property lines as much as possible and must be set back at least 10 feet from the property line unless otherwise approved by the Development Review Committee.
**404.108 Docks over 1000 Square Feet**

Permits for new docks that exceed 1000 square feet of surface area, or do not meet the standards in (a) or (e) above, may only be issued by the Development Review Committee (DRC), in accordance with Chapter 401 Article 5. Permits for modifications to or replacement of existing docks that exceed 1000 sq. feet require Administrative Development Plan Approval provided no expansion or relocation of covered areas and, if necessary, no more than a 20% increase in total area to correct existing environmental impacts. The calculation of surface area excludes walkways, but includes the surface area of the dock and the area under any other covered structure. Up to three feet of roof overhang may be excluded from this calculation for covered structures. For purposes of this section walkway is defined as the portion of the structure landward of the ordinary high water line, and dock is defined as that portion of the structure waterward of the ordinary high water line.

**404.109 Hunting or Fishing Camps**

A hunting or fishing camp may be allowed as a limited use in the A, C-1 or MB district, subject to the following standards and approval by the Development Review Committee. Fish camps on property smaller than 40 acres may be allowed by special exception.

(a) The site for a hunting camp must have at least 500 acres. Where the only activity on the site is a fishing camp, the site must have at least 40 acres of area that is not submerged.

(b) Sleeping accommodations may be provided within a lodge, cabins, or spaces for recreational vehicles or tents. Where a lodge or cabin(s) is proposed, no more than 25 sleeping rooms shall be provided. No more than 25 recreational vehicle or tent spaces may be provided. A hunting or fishing camp may provide a combination of sleeping accommodations not to exceed 25 total. Where tent spaces are proposed, common sanitary facilities including showers, toilets, and sinks shall be provided.

(c) One single permanent residence is allowed.

(d) A 300 foot setback shall be provided on all sides of the property. This shall not be interpreted to prohibit any agricultural or silvicultural activities on the property.
(e) A unified plan for water distribution and wastewater disposal meeting the requirements of the Health Department shall be required as part of any application for a hunting or fishing camp.

(f) All hunting and fishing camps are subject to Chapter 509, Part II Membership Campgrounds, Florida Statutes and Chapter 513, Florida Statutes as applicable.

(g) Kennels for hunting dogs kept at the site shall meet the applicable standards in §404.18.

(h) Docks provided for fishing camps shall meet the standards in §404.108.

404.110 Marina
A marina is allowed as a permitted use in the MB district subject to development plan approval by the Development Review Committee.

404.111 Recreational Camps
Recreational camps are allowed by special exception in the A, C-1, and MB districts in accordance with the following standards.

(a) The minimum lot area within the A or C-1 districts shall be 40 acres. In the MB district the minimum lot area shall be 10 acres.

(b) Recreational camps in the C-1 district may only be allowed in accordance with an approved management plan as provided in Chapter 406, Article 20.

(c) The maximum density of cabins, lodges and/or tent campsites shall not exceed 1 per 2 acres. Density shall be calculated as gross density and include all land area exclusive of major water bodies starting at the high water mark.

(d) Cabins or lodges shall comply with the Florida Building Code and must contain a minimum of 50 square feet of floor space per occupant with a maximum capacity of 25. Use of mobile homes or recreational vehicles for lodging is prohibited.

(e) A single permanent residence is allowed.

(f) All structures, cabins and tent sites shall be set back a minimum of 200 feet from the property line unless otherwise approved as part of the special exception.

(g) Vehicular access shall be from a paved public roadway unless otherwise approved as part of the special exception.

(h) A unified plan for water distribution and wastewater disposal meeting the requirements of the Health Department shall be provided as part of any application for a recreational camp.

(i) Sanitary facilities including showers, toilets, and sinks shall be provided.

(j) Recreational camps are subject to Chapter 513, Florida Statutes.
Chapter 404. Use Regulations

Article 28. Resource-based Recreation
Chapter 405  Special Districts and Activity Centers

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Article 1  Activity Centers and Special Area Studies

405.01  General

(a)  Intent

1.  Activity Centers
The intent of the urban activity centers is to provide for the concentration of mixtures of higher intensity and density land uses through designation of Activity Centers, with standards to ensure pedestrian-friendly compact centers connected to multi-modal transportation systems and integrated with surrounding uses in the urban area.

2.  Special Area Studies
The intent of the special area studies is to provide specific policies, standards, and guidelines that address significant cultural, historic, and environmental resources and characteristics of unique areas and communities within Alachua County.

(b)  Establishment of Activity Center Plan and Special Area Study Overlay Districts
The following activity center and special area study overlay districts have been established in the Comprehensive Plan to implement policies in the Future Land Use Element:
### Table 405.01.1

Activity Centers and Special Area Study Overlay Districts

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Article 2  Activity Center Development and Design Standards

405.02  General

(a) This Article shall apply to all new development and redevelopment within activity centers as designated on the Future Land Use Map.

(b) The intent of this Section is to implement the activity center policies of the Comprehensive Plan by providing standards to ensure pedestrian-friendly compact activity centers that are connected to a multi-modal transportation system and integrated with surrounding land uses.

405.03  New and Expanded Activity Centers

(a) New activity centers may be established, or existing centers’ boundaries expanded, through the Comprehensive Plan amendment process as described in Article 7 of Chapter 402 of this Code.

(b) All new activity centers shall have a level designation.

1. High intensity activity centers are intended for commercial, employment, institutional, light industrial, and visitor-related uses of a scale and type that typically serve a regional or larger market. High activity centers shall also contain higher density residential uses which are phased and interconnected with the non-residential uses in the Activity Center. High intensity activity centers attract commercial customers or employees from within Alachua County and surrounding cities or counties; are generally greater than 200 total acres in area; are located proximate to major interstate transportation corridors; have access to at least two arterial roadways; and are near existing or planned rapid transit corridors.

2. Low intensity activity centers are intended for commercial, employment, institutional, and light industrial uses of a scale and type that typically serve a community or group of neighborhoods. Low activity centers shall also contain residential uses which are phased and interconnected with the non-residential uses in the Activity Center. Low intensity activity centers attract commercial customers or employees primarily from within Alachua County; are generally less than 200 total acres in area; have access to at least one arterial and one collector roadway, and are near existing or planned bus, express transit, or rapid transit routes.

405.04  Permitted Uses and Development Requirements for Activity Centers

(a) Those uses permitted by the Comprehensive Plan, the Future Land Use Map designation, and the underlying zoning district, consistent with this Article.

(b) All developments within Activity Centers have the option of providing a mix of uses. Mixed-use development within Activity Centers shall develop consistent with the Traditional Neighborhood Development standards in Chapter 407, Article 7, notwithstanding the acreage requirements of §407.64(c)1.

(c) Any new development on 25 or more acres or including 150 or more residential units shall be required to develop as either a Traditional Neighborhood Development or Transit Oriented development consistent with the standards in Chapter 407, Article 7.
Chapter 405. Special Districts and Activity Centers
Article 2. Activity Center Development and Design Standards

(d) Any new development proposing 1,000 or more new dwelling units or 350,000 square feet or more of non-residential uses and located on a planned Rapid Transit Corridor shall be required to develop as a Transit Oriented Development consistent with the standards in Chapter 407, Article 7.

(e) A Planned Development approved by the Board of County Commissioners prior to October 9, 2012 that has not expired shall be allowed to develop consistent with their existing Zoning Master Plan. The Zoning Master Plan may be amended notwithstanding the requirements in (c) and (d) above, provided the following is met:

1. The amendment to the Zoning Master Plan does not change the types of non-residential use and/or increase or decrease the total square footage of non-residential use or number of residential units; or

2. For amendments that change the type of non-residential use and/or include an increase or decrease of up to 25% of the total square footage of non-residential use or number of residential units, the Planned Development shall develop consistent with the design standards for Traditional Neighborhood Development in Chapter 407, Article 7, Sections 407.68, 407.69, 407.70, and 407.71.

405.05 General Design Standards for Activity Centers
The following standards shall serve as a framework for development plan applications and redevelopment within activity centers.

(a) Compact Center
Activity centers shall contain vital, walkable centers with diverse residential, retail, office and civic uses organized in close proximity, and interconnected through a network of streets, sidewalks, and paths.

(b) Definable Edges
Buildings and pedestrian amenities shall give definition to the streetscape, individual blocks, and the perimeter of the site.

(c) Parking
Parking shall be designed in the center of blocks to the greatest extent possible.

(d) Interconnected Street Network
A diverse network of streets will provide multiple routes of access that are interconnected with the existing street network. The interconnected network shall also establish a framework for the development of compact, identifiable blocks.

(e) Walkable, Human-Scaled Streets
Effective street design is integral to the identity and success of an activity center. Narrow road widths are encouraged in order to reduce travel speeds and, in conjunction with adjacent streetscape, produce a quality of spatial enclosure.

(f) Mix of Uses
Mixed-use development is encouraged in order to provide a wide range of services and opportunities within walking distance of residential areas.
405.06  RESERVED

405.07  Design Standards for Developments Other Than TNDs or TODs in Activity Centers

(a) Blocks and Streets
All blocks and streets shall meet the requirements of Article 13, 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.

(b) Stormwater Facilities

1. The design and construction of stormwater facilities shall be in accordance with Article 9, Stormwater Management, of Chapter 407 and other applicable regulations, ordinances, resolutions and rules. The stormwater management system shall also be consistent with applicable activity center Master Plans, special area studies and the standards herein.

2. A stormwater plan will be required as part of an activity center Master Plan. The stormwater plan shall provide data on the stormwater retention needs for the entire Master Plan area (minimum of one quadrant within the activity center) at build out conditions, and provide a mechanism for shared stormwater facilities, where feasible.
3. Surface stormwater facilities shall be designed to provide a physical or visual amenity within an activity center, as public open space, or as an aesthetic feature to resemble natural areas with native landscaping, consistent with Chapter 407 Article 5, Open Space, and Article 9, Stormwater Management, of Chapter 407 of this ULDC.

4. The use of shared stormwater facilities to accommodate multiple developments within the activity center is encouraged.

(c) Parking

1. A parking plan shall be prepared for the entire Master Plan area at build out conditions, and shall include the locations for parking facilities and the types of parking facilities (e.g., surface, structure, or on-street).

2. Buildings and land uses within activity centers may utilize shared parking areas to serve complementary uses and activities. Provisions for shared parking may be addressed through the development of an activity center Master Plan. Where a Master Plan has not been adopted or is not required, development plan applications that will include shared parking facilities shall be in accordance with §407.17 of this ULDC.

3. Reductions in the required number of paved parking spaces may be permitted in accordance with §407.18 of this ULDC, or through the Master Plan process.

4. Parking Design Standards

Off-street parking and loading areas shall be provided in accordance with Article 2, Parking, Loading and Stacking, of Chapter 407 of this ULDC. In addition, the following shall apply:

a. Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted Master Plan.

b. All surface-parking areas shall be located in the interior of blocks.

c. Parking structures on sites that abut a public street shall have at least 50 percent of the ground floor street frontage developed for office, commercial, or civic uses.

(d) Transit Facilities

Transit facilities include bus stops (school, public, or private), pull-out lanes, benches, transit-related signage, shelters, and bicycle racks for transit users.

1. Any development plan with required parking of more than 200 spaces shall be required to provide on-site transit facilities if such facilities are not located within one-quarter mile of the development site, unless otherwise specified in an adopted Master Plan.

2. Where transit facilities are required, transit easements shall be provided on the development plan.

3. Transit facilities shall be located so as to minimize conflict with vehicular, bicycle, or pedestrian traffic.

4. Transit facilities should be oriented to the entrance of the primary or anchor building on sites within the activity center and/or to the central core of the activity center. The placement of transit facilities should not be limited only to the edges of the activity center.
5. Signage shall clearly indicate the location of transit stops.
6. In order to be consistent with county-wide public transportation, the size, design, and location of transit facilities shall be determined in coordination with the Gainesville Regional Transit System and the Alachua County Transportation Planning Staff.

(e) Pedestrian Circulation and Amenities
Activity center roadways shall be designed to accommodate pedestrians in a safe, comfortable and convenient manner, as follows:

1. Commercial retail, office, civic and multiple-family buildings shall provide pedestrian walkways that connect all buildings at their primary entrances.
2. Pedestrian walkways connecting buildings within an activity center shall minimize crossing of vehicular areas.
3. Pedestrian walkways, not less than six feet in width, shall be provided where a lot abuts a public right-of-way.
4. At least one continuous pedestrian walkway must be provided from any public right-of-way to the primary entrance of all commercial retail, office and multiple family buildings. Pedestrian connections shall also be provided between adjacent parcels and uses, with exceptions for instances where:
   a. the adjacent use is an individual single family lot;
   b. there are topographic or other physical limitations preventing a connection; or
   c. a connection would not be consistent with the protection of natural or historic resources.
5. All pedestrian crosswalks shall be distinguished from all parking and vehicle maneuvering areas through the use of contrasting surface materials such as pavers, brick or scored concrete, striping using high durability paints, or other techniques approved by the Development Review Committee or provided in a Master Plan.

(f) Bicycle Circulation and Amenities
1. Bicycle lanes shall be provided on primary public roads within an activity center. These bicycle lanes shall provide continuous connection between existing bicycle lanes on surrounding public streets and any commercial, office, multiple-family residential, or civic uses within activity center sites.
2. Where bicycle lanes are required, they shall be at least five feet in width.
3. Bicycle parking shall be provided at all structures within activity centers, and the parking requirements shall apply to all land uses except single-family detached residential uses, in accordance with §407.15.

(g) Open Space
1. Open space, landscape, and buffer areas shall be provided on at least 20% of an activity center site in accordance with Chapter 407Article 5, Open Space, of this ULDC. The required open space may be provided on a site-by-site basis through the development review process, or on an overall activity center basis through the use of the activity center Master Planning process.
2. Land designated for open space shall be accessible from all areas of the activity center.

(h) Civic Space

1. A minimum of 500 square feet of civic space per acre of land must be provided within an activity center. This requirement may be met through the provision of one or more centrally located spaces within the activity center using the master plan process, or on an individual development basis through the development plan review process.

2. Where civic space is required, it may be in the form of police stations, libraries, day cares, fire stations, meeting halls, governamental buildings, museums, schools, performing arts centers, religious buildings, community centers, amphitheaters, public squares, parks, landscaped plazas, courtyards or similar elements approved by the Development Review Committee or Board of County Commissioners.

3. Civic space may be used to satisfy up to 50 percent of the required open space for an activity center site if the civic space otherwise meets the open space requirements of this ULDC and the Comprehensive Plan. At least 25% of the required civic space for an activity center site must be in the form of civic structures or usable open space.

4. Civic space shall provide linkages between buildings and land uses within the activity center.

5. Civic uses should be located on prominent sites throughout the activity center and serve as focal points and landmarks for the community.
### Chapter 405. Special Districts and Activity Centers

**Article 3. RESERVED**

<table>
<thead>
<tr>
<th>Section</th>
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</table>
Article 4  Cross Creek Village Special Area Study

405.14  Cross Creek

(a)  Purpose

The purpose of the Cross Creek Village Special Area Study is to establish general policies and development guidelines for future development in this study area so that future land development is designed to place the environmental integrity of this area in the forefront of all development proposals. These development regulations have the purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development called for in the Cross Creek Special Area Study. These regulations shall apply to all real property lying within the boundaries of the Cross Creek Special Area Study as defined by the map found in Section 8.2 of the Comprehensive Plan and attached to this ULDC.

(b)  Preexisting Conditions

It is specifically the policy of this Article that existing land uses, buildings, and structures not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Section. The destruction or discontinuation of any such use, building, or structure shall not prohibit the renewed use or reconstruction of the building or structure in its preexisting form. This policy shall not, however, affect the operation of other sections of the adopted Comprehensive Plan or of duly adopted development regulations. The burden shall be on the property owner to demonstrate that existing land uses, buildings, and structures qualify as preexisting conditions.

(c)  Valid Existing Rights

The Special Area Study and these development regulations shall not apply to deny valid existing rights of landowners to continue the current use of land in the study area. If the provisions of the Cross Creek plan and these development regulations restrict valid existing rights of landowners, such landowners may be eligible to preserve valid existing rights through the general vested rights provisions contained in Article 27 of Chapter 402 of this ULDC.

(d)  Cross Creek Special Area Study Zones

The Cross Creek Special Area Study has been divided into six resource protection zones: Wetlands, Exceptional Upland Habitat, Hammocks, Active Use, Lake Buffer, Historic Preservation Area, and specific guidelines for Bald Eagle Nesting Areas. In addition, the Cross Creek Special Area Study has established two development areas: the Village Center and Village Periphery.

(e)  Transfer of Density

1. Residential Densities and Transfer of Density

   a. Except for the Village Center area, a maximum residential density of one dwelling unit per five acres shall be permitted in the study area.

   b. A property owner may transfer permitted density in a resource protection area to appropriate contiguous property under the same ownership through the Development Plan Review process. The densities that may be transferred are established in Table 405.14.1.
Chapter 40. Special Districts and Activity Centers

Article 4. Cross Creek Village Special Area Study

A property owner may transfer permitted density in a resource protection area to appropriate adjoining property not under the same ownership if all of the affected properties are presented for development as a Planned Development (PD). The densities that may be transferred are established in Table 405.14.1.

d. In the Village Periphery area, a maximum density of one dwelling unit per acre shall be permitted where the development involves a transfer of permitted density from a resource protection area.

### Table 405.14.1.

Permitted Transfers of Density

<table>
<thead>
<tr>
<th>Resource Protection Area</th>
<th>Transferable Densities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetlands Zone</td>
<td>1 dwelling unit per 5 acres</td>
</tr>
<tr>
<td>Lake Buffer Zone</td>
<td>2 dwelling units per 5 acres</td>
</tr>
<tr>
<td>Exceptional Upland Habitats Zone</td>
<td>2 dwelling units per 5 acres</td>
</tr>
<tr>
<td>Hammock Zone</td>
<td>2 dwelling units per 5 acres</td>
</tr>
<tr>
<td>Bald Eagle Nesting Primary Zone</td>
<td>3 dwelling units per 5 acres</td>
</tr>
</tbody>
</table>

2. **Transfer of Density from the Cross Creek Area**

Transfer of density from property in the Cross Creek Special Area Study to appropriate noncontiguous property not under the same ownership in the unincorporated area of the County shall be subject to development agreement approved by the Board, in accordance with the Florida Local Government Development Agreement Act, F.S. §163.3220, Florida Statutes, et seq., and the County’s implementing ordinance.

(f) **Site Clearing and Tree Removal**

1. **Development Plan Approval Required**

   a. In the Cross Creek Study Area, except as specifically provided herein, all site clearing, tree removal, and removal of the existing indigenous vegetation, including clearing and removal for forestry and agricultural purposes in areas identified as wetlands, exceptional upland habitat, hammocks, lake buffer zones, historic preservation areas, and bald eagle nesting zones, shall be prohibited without development plan approval as provided in Article 10, Development Plan Review, of Chapter 402. Any violations to regulated natural resources shall require corrective action as provided in Chapter 406, §406.115.

   b. All applications for development plan approval shall specify the location and extent of the site proposed for clearing, tree removal, and removal of indigenous vegetation, and the reasons for the proposed site clearing, tree, and vegetation removal.

   c. In all cases involving site clearing and tree and vegetation removal, the burden shall be on the applicant to demonstrate that the clearing or removal is for bona fide agricultural purposes, or associated with an approved development plan or building permit.

2. **Exemptions from Requirement for Development Plan Approval**

   a. For purposes of this Section, normal tree farming activity or clear cutting and replanting in the active use zone, where the owner has signed an
agreement with the Florida Division of Forestry to utilize best
management practices and to reforest the parcel for the purpose of
silviculture, shall not require development plan approval.

c. In addition, site clearing for valid agricultural purposes in the active use
zone, not exceeding one-half acre per calendar year and not involving
removal of trees with a diameter at breast height (DBH) equal to or
exceeding two inches, shall not require development plan approval.

405.15 Resource Protection Regulations

(a) Delineation of Zones in Cross Creek Special Area Study

Each zone within the Cross Creek Special Area Study requires special protective
regulations dictated by its unique characteristics, as follows:

1. Wetlands Zone

This zone includes a variety of shore zone and interior wetland areas that are
distributed throughout the study area and comprise approximately 24 percent
of the total land area. Because of the important functions performed by
wetlands, including, but not limited to functions related to water quality and
drainage, they should be left undisturbed. The following regulations shall
apply in this zone.

a. A gross density of one dwelling unit per five acres shall apply to all land
in the wetland zone.

b. The permitted density shall be transferred to appropriate contiguous
property under the same ownership, or as set forth in §405.14(e).

c. Minor accessory uses such as boat docks shall be permitted by special
use permit provided that the natural function of the zone is not altered.

2. Exceptional Upland Habitats Zone

a. Exceptional upland habitats zone shall mean that part of the study area
which supports essentially complete natural associations of plants and
animals native to uplands in the area (natural upland communities).

b. This zone is characterized by large areas of relatively undisturbed
associations of native vegetation generically called hammocks or pine
flatwoods.

c. This zone serves important habitat functions for a variety of animals in
the study area. The following regulations shall apply:

i. Residential densities for this zone are permitted at a rate of one
dwelling unit per five acres. Where development of these areas
occurs, building impact areas shall be reduced to no more than
one acre and major portions of the area thereby protected in their
natural state.

ii. Residential density may be transferred to appropriate contiguous
property under the same ownership at a rate of two dwelling units
per five acres, or as set forth in §405.14(e).

3. Hammock Zone

Hammock zone shall mean that part of the study area which retains a
predominance of the natural hardwood hammock vegetation that is
characteristic of the uplands of the Cross Creek area. The hammock zone represents that portion of the study area that retains a predominance of the hammock vegetation but does not meet other criteria for classification as an exceptional upland habitat zone. The following regulations shall apply within this zone.

a. In the Village Center area, a maximum residential density of one dwelling unit per two acres shall be permitted on a gross basis.
   i. However, in order to preserve the character of the zone, building impact area of all future residential development shall occur on a maximum of one-half acre.
   ii. Development shall be clustered in such a fashion as to preserve the most sensitive or unique areas of the property under consideration.

b. In the Village Periphery area, a maximum residential density of one dwelling unit per five acres shall be permitted on a gross basis.
   i. However, in order to preserve the character of the zone, building impact areas shall be a maximum of one acre.
   ii. Development shall be clustered in such a fashion as to preserve the most sensitive or unique areas of the property under consideration.

4. **Active Use Zone**
   This zone represents that portion of the study area that has been most significantly altered from its natural state and includes all areas in the study not classified as wetlands, exceptional upland habitats, and hammocks. The following regulations shall apply within this zone.

a. In the Village Center area, a maximum residential density of two dwelling units per acre shall be permitted. All residential development shall occur on a minimum of one-half acre lot per unit.

b. In the Village Periphery area, a maximum residential density of one dwelling unit per five acres shall be permitted.

(b) **Water Quality**

Orange Lake, Lochloosa Lake, and Cross Creek have been designated as Outstanding Florida Waters. The County recognizes the sensitivity of these waters to pollution. The following regulations shall apply:

1. **Activity Within Lakeshore Buffer Area**
   a. No filling, tree removal, clearing, or building construction shall be permitted within 75 feet of the creek or within the lakeshore buffer area without development plan approval.
   b. Development plan approval shall require minimum standards for development consistent with state regulations regarding Outstanding Florida Waters.

2. **Lake Buffer Zone**
   The lake shore buffer varies in width depending on the characteristics, including slope, soil, vegetation, etc., of the land along the shore line. The following regulations shall apply within this zone.
Chapter 405. Special Districts and Activity Centers

Article 4. Cross Creek Village Special Area Study

ADOPTED AS ORD. 05-10
Unified Land Development Code
12/8/2005

(a) The width of the buffer shall be determined on a case-by-case basis; however, the average width of the buffer shall be 150 feet, with a minimum width not less than 100 feet. The Board shall consider four factors to determine buffer width. These four factors are:

i. wildlife habitat requirements;

ii. soil erodibility;

iii. depth to water table; and

iv. other site specific considerations such as aesthetics and water quality.

(b) A jurisdictional line separating sovereign lands of the state and private property shall be determined. In addition to the determination of sovereign lands of the state, the jurisdictional line for demarcation of the landward extent of waters of the state shall also be determined and the lake buffer area shall be measured landward from this jurisdictional line.

(c) Historic Preservation Area

The house of Marjorie Kinnan Rawlings is listed as a national historic site. In order to preserve the area surrounding this site, a historic area is established and shall include all land one-eighth mile north and south of the Rawlings House property and within 300 feet of the centerline of County Road 325. A map of the historic area is attached hereto as Exhibit 405.15.2. The following regulations shall apply in this historic area.

1. Construction, Reconstruction and Similar Improvements

No new construction, exterior reconstruction, exterior remodeling, or exterior repair shall be permitted within the Historic Preservation Area until a plan for such work has been reviewed and approved by the Board of County Commissioners.

2. Review Criteria

a. The Board of County Commissioners should consider materials, signage, and landscaping, and the compatibility of these factors with the architectural and cultural heritage of the historic site, as well as that of the historic district in general.

b. The review should also consider the practical effect of any regulation and the potential for such a regulation to create a hardship for the individual seeking approval of an activity within the historic area.

c. Demolition of an historic building or a building or facility that is integrally related to an historic building shall not be permitted until after
d. the property is offered for sale at assessed value or fair market value to a governmental unit or to an organization committed to the preservation and restoration of the building. Any such offer should permit a minimum of 180 days for acceptance by the governmental unit or other organization.

e. These policies will not affect the use of land, but may affect the arrangement of uses, the arrangement of vehicular and pedestrian circulation, landscaping, screening, and buffering, as well as the height, style, and character of buildings and other structures, including signs.

f. These policies shall not be applicable to mobile homes, and shall not be interpreted as affecting the replacement of a mobile home that exists on the date of adoption of this Section.

(d) Bald Eagle Nesting Zones

The purpose of these regulations is to maintain and/or improve environmental conditions existing in the study area and required for the survival and well-being of bald eagles in the study area. The purpose of these regulations also is to avoid or minimize detrimental human-related impacts on bald eagles, particularly during the nesting season, and to preserve and enhance the present population. The following regulations are designed to establish protection for eagles, eagle nests, and eagle habitat.

1. Intent

The regulations are designed to establish protection for eagles, eagle nests, and eagle habitat. Some flexibility may be available in the implementation of these regulations, under the federal guidelines, and may be considered by the Board of County Commissioners on a case-by-case basis.

2. Deviation from Standards

Any deviation from the standards contained in this Section should only be considered where the property is proposed for development under the Planned Development zoning category and only after consultation with the Florida Fish and Wildlife Conservation Commission.

3. Extent of Bald Eagle Nesting Zone

Except under unusual circumstances, the nesting zone should encompass an area extending approximately 660 feet outward from the nest tree.

a. The precise radius distance will be dependent upon the proximal and spatial configuration of the critical elements, including but not limited to nest trees, feeding area, roost trees, etc., within a particular nesting area or other compelling factors.

b. The exact radius distance, area, and contours of the primary zone shall be determined prior to development approval or a transfer of density.

4. Bald Eagle Nesting Zone Restrictions

a. Excluding existing bona fide agricultural use of land in the nesting zone, the following land uses shall be prohibited in the nesting zone without a special use permit issued by the Board consistent with Article 18, Special Use Permits, of Chapter 402:
i. logging;
ii. land clearing;
iii. construction;
iv. seismographic activities employing explosives;
v. mining;
vi. well drilling;
vii. residential subdivisions, commercial, or industrial development;
viii. tree cutting;
ix. use of chemicals toxic to wildlife such as herbicides and pesticides; and
x. helicopter or fixed-wing aircraft operation within 500 feet vertical distance or 1,000 feet horizontal distance from an eagle's nest.

b. The special use permit may further limit specific activities as necessary and appropriate to protect the function and value of bald eagle nesting zones, including but not limited to additional restrictions during the eagles' nesting period, usually from October 1 to May 15.

c. An individual single-family residence on a lot of record, including associated well, septic system, land clearing, and tree removal shall be exempt from the special use permit requirement provided in paragraph a above. Alternatively, such development shall be required to obtain development plan approval from the Development Review Committee prior to application for a building permit. Mailed and posted notice shall be provided in accordance with Article 4, Notice of Hearings, of Chapter 402.

405.16 Alternative Compliance

Except as otherwise provided in this Article, requests for alternative compliance from any provision of this Article may be made as follows:

(a) An applicant may submit a proposal that varies from the strict application of the requirements of the provisions of this Article in order to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, promote the overriding public interest or general public welfare, or because the provisions of this Article do not apply or are unnecessary. Diminished value or inconvenience is not considered extraordinary hardship.

(b) The applicant shall have the burden of demonstrating the existence of the necessary conditions or reasons for alternative compliance. In any case where alternative compliance is granted, the alternative compliance shall be the minimum necessary to permit reasonable use or access. Mitigation measures may be required as a condition of granting the alternative compliance.

(c) Requests for alternative compliance shall be submitted as part of an application for development plan approval and shall be received and approved, approved with conditions, or denied by the Development Review Committee or Board of County Commissioners.
An alternative compliance plan shall be approved only upon a finding that it fulfills the purpose and intent of this Article as well as, or more effectively than, would adherence to the strict requirements.
Article 5  Idylwild/Serenola Special Area Study

405.17  Intent
It is the intent of these regulations to establish development regulations in the Idylwild/Serenola area so that future land development adequately addresses environmental, archaeological and historical issues as a part of the development process. These regulations shall apply to all real property lying within the boundaries of the Idylwild/Serenola special area as defined in the Future Land Use Element of the Alachua County Comprehensive Plan, and attached hereto as Exhibit B.

405.18  Barriers for Environmental Resources Protection
Where these regulations require the protection of an environmental resource, the following standards shall be used:

(a)  Construction of Barriers
Barriers shall be constructed of nominal two-inch by four-inch or larger wooden posts, two inches or larger diameter pipe, or other post material of equivalent size and strength and shall be implanted deep enough in the ground to be stable, with at least three feet of the post visible above the ground.

(b)  Tree Protection Barriers
Barrier posts shall be placed at the drip line of any tree to be protected or an area based on a ratio of two feet for each inch of tree diameter measured at breast height (DBH).

(c)  Posts and Fencing
All protective posts shall be linked together by lumber fencing at a height of three feet. Each section shall be clearly flagged with flagging tape or other readily visible markers. The substitution of 36-inch-wide reusable polyethylene barrier fencing for the lumber fencing is acceptable.

(d)  Installation of Barriers
Required barriers shall be erected prior to the construction of any structure, utility service, or other improvement and shall remain in place until such time as completion of construction dictates that removal will not harm the resource.

(e)  Waiver of Barrier Requirement
The Development Review Committee may grant a waiver to the barrier requirement provided that reasonable alternatives are taken.

405.19  Environmental Resources
The Idylwild/Serenola area contains numerous environmentally sensitive areas. These areas have been generally identified on the environmental resources map in the Future Land Use Element. Each area requires special protective regulations as indicated in the study. Where site specific analysis or verification is required to determine the presence of environmental resources protected herein, the cost of such analysis or verification shall be borne by the applicant. Environmentally sensitive areas may overlap and all applicable regulations shall apply.

(a)  Significant Uplands Habitat
These provisions shall apply to the development of all lands identified as significant uplands after determination of designation in accordance with the Conservation policies of the Alachua County Comprehensive Plan.
1. **Upland Habitat**
   Uplands habitat shall be indicated on all development plans and subdivisions.

2. **Maximum Lot Coverage for Nonresidential Development**
   Each nonresidential development shall be designed so that the total mass of all buildings, parking and loading areas shall not occupy in excess of 50 percent of the total site area. The remainder of each development site shall retain the existing undisturbed vegetation.

3. **Residential Development Requirements**
   Each residential development shall use planned development zoning or cluster development that retains 50 percent of the area as common open space. The common open space shall retain the existing undisturbed vegetation. The selection of the common open space shall be based upon:
   a. retention of sinkholes, surface waters and wetlands; and
   b. proximity to other upland habitats.

4. **Protection of Undisturbed Vegetation**
   The undisturbed vegetation shall be protected during construction by barriers.

5. **Violations**
   Violations of significant uplands habitat regulations shall require corrective action as provided in Chapter 406, §406.115 of this ULDC.

(b) **Wetlands**
   Connected and isolated wetlands shall be protected in accordance with the provisions of Chapter 406, Article 6, of this ULDC.

(c) **Bald Eagle Nesting Zones**
   These provisions shall apply to any property located within a bald eagle nesting zone in order to maintain and improve the environmental conditions required for the survival of bald eagles. These regulations shall apply to apparently "abandoned" nests for a period extending through five consecutive breeding seasons of non-use after notification to the United States Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and the Alachua County Environmental Protection Department.

1. **Definitions**
   For the purposes of this Section, Bald Eagle Nesting Zone means the area of eagle habitat situated immediately around the nest. The boundary for this zone is a 660-foot radius around the nest tree.

2. **Development Plans**
   All development plans and subdivisions shall show the location of the property in relation to the eagle nesting zone during the eagle’s nesting period, usually from October 1 to May 15.

3. **Development Standards**
   a. There shall be no development activity within the nesting zone.
   b. Land use within the nesting zone shall be limited to passive recreation, farming, grazing, nurseries or gardening.
Chapter 405. Special Districts and Activity Centers

Article 5. Idylwild/Serenola Special Area Study

i. The use of property for any other activity shall require a special use permit.

ii. The burden shall be on the applicant to demonstrate that the proposed use will not weaken the integrity of the nesting zone.

iii. The special use permit may further limit specific activities as necessary and appropriate to protect the function and value of bald eagle nesting zones, including but not limited to additional restrictions during the eagle’s nesting period, usually from October 1 to May 15.

iv. Development within the nesting zone shall cluster units away and shall not include buildings in excess of 35 feet in height or the construction of new roads providing increased access to the nest.

(d) Paynes Prairie

The State of Florida’s Paynes Prairie State Preserve shall be protected from activities on adjacent lands through the review of all activities within 660 feet of the Preserve, in accordance with Article 8 of this Chapter.

(e) Tree Preservation

1. Purpose

The purpose of this Section is to preserve and retain areas containing extensive tree canopies. Due to the exceptional quality of the tree canopy found within the study area, where these provisions are more restrictive than those found in 3, Trees and Native Vegetation, of Chapter 406 relating to tree protection, these restrictions shall be applicable and shall apply to all real property, including publicly owned lands, lying within the active use residential, tree canopy or significant upland habitats identified on the environmental resources map of the Idylwild/Serenola Special Area Study.

2. Definitions

For the purposes of this Section, the following definitions shall apply.

a. Initial Canopy means the tree canopy of the regulated trees on the property prior to any development.

b. Regulated Tree means any self-supporting woody plant of a species which normally grows to an overall minimum height of 15 feet in the Alachua County area and which has attained a diameter of eight inches or more at a point 4.5 feet above the existing grade. In order to retain smaller native trees, the definition shall also include the species listed in Table 405.19.1 that have attained a diameter of six inches as measured at a height of 4.5 feet above the existing grade.
Chapter 405. Special Districts and Activity Centers

Article 5. Idylwild/Serenola Special Area Study

Table 405.19.1
Trees Included in the Regulated Tree Definition

<table>
<thead>
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<th>Common Name</th>
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<tr>
<td>Carpinus caroliniana</td>
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<tr>
<td>Cercis Canadensis</td>
<td>Redbud</td>
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<tr>
<td>Chionanthus virginica</td>
<td>Fringe tree</td>
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<tr>
<td>Cornus florida</td>
<td>Flowering dogwood</td>
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<tr>
<td>Crataegus marshallii</td>
<td>Parsley haw</td>
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<tr>
<td>Ostrya virginiana</td>
<td>Eastern hop hornbeam</td>
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<tr>
<td>Prunus umbellata</td>
<td>Flatwoods plum</td>
</tr>
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3. Removal Permit Required

A regulated tree shall not be removed without a removal permit as provided for hereinafter and in Article 2, Trees and Native Vegetation, of Chapter 406.

4. Development Plan Approval Requirements

a. Tree Survey Required

At the time of permit application, a tree survey shall be submitted to the Department. The survey shall locate all regulated trees, specifying species, to be protected or removed and the location and extent of initial canopy.

b. Tree Removal Permit Issuance

Issuance of a permit for tree removal and/or relocation shall be based upon the criteria:

i. That the tree is an immediate safety hazard, either to persons or to domestic animals, or to buildings, or to other constructions, or to motor, or bicycle, or pedestrian traffic.

ii. That the tree is infected with an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to trees not so infested.

iii. That the tree by its location prevents reasonable use or development of the site, and that no other reasonable alternative to such use or development is possible. In determining the reasonable use or development of the site, the following criteria shall be considered:

(a) the need for driveway and site access;
(b) locating the proposed structures and parking areas to minimize tree removal;
(c) location of utilities and surface water drainage; and
(d) essential grade changes; or
(e) That the tree, by the normal growth of its branches and roots, is causing progressive damage to existing buildings or other...
facilities, and that no reasonable correction or prevention is possible other than removal of the tree.

c. As a condition of the granting of a permit, in order to meet canopy requirements, the Development Review Committee may require the relocation of trees proposed for removal or replacement of the removed trees with other trees planted elsewhere on the site. Replacement trees may be required on a more than one-for-one basis if the replacement trees are smaller than the tree being removed. The tree list established in Table 405.19.2 shall be used as a reference for selecting replacement trees.

d. Regulated trees shall not be removed after the issuance of a Certificate of Occupancy without securing another permit.
### Table 405.19.2
Permitted Replacement Trees

<table>
<thead>
<tr>
<th>Acceptable Tree Species</th>
<th>Latin Name</th>
<th>Common Name</th>
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<tbody>
<tr>
<td>Swamp chestnut oak</td>
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<td>Bluff oak</td>
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<td>Shumard oak</td>
<td>Qu. shumardii</td>
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<td>Southern red oak</td>
<td>Q. falcata var. falcata</td>
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<td>Nyssa biflora</td>
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<tr>
<td>Pignut hickory</td>
<td>Carya glabra</td>
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<td>Southern red cedar</td>
<td>Juniperus silicicola</td>
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<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
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<tr>
<td>Hackberry</td>
<td>Celtis laevigata</td>
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<tr>
<td>Fringe tree</td>
<td>Chionanthus virginicus</td>
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<td>Flowering dogwood</td>
<td>Cornus florida</td>
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<td>Parsley haw</td>
<td>Crataegus marshallii</td>
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<td>Loblolly bay</td>
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<td>Eastern hophornbeam</td>
<td>Ostrya virginiana</td>
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<td>Liquidambar styraciflua</td>
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<td>Upland red bay</td>
<td>Persea borbonia</td>
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<tr>
<td>Swamp red bay</td>
<td>Persea palustris</td>
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<td>Winged elm</td>
<td>Ulmus alata</td>
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</tr>
<tr>
<td>Florida elm</td>
<td>Ulmus americana var. florida</td>
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</tbody>
</table>

**e.** All replacement trees or additional required trees shall be in place prior to the issuance of a Certificate of Occupancy.

**f.** The Department may conduct periodic inspections of the site prior to and during clearing and construction to ensure compliance.

**g.** Selective harvesting of regulated trees or tree removal for agricultural purposes, excluding bona fide commercial forestry operations with a forest management plan in effect as required in Chapter 406, 3 regarding tree removal permits, shall be prohibited without development plan approval from the Development Review Committee.

**i.** Not more than five percent of the initial tree canopy may be removed in any given year.
ii. All applications for selective harvesting shall include a management plan that includes a replanting schedule and buffering provisions.

h. All applications for development plan approval shall specify the reason for the tree removal and demonstrate that the tree removal is necessary.

5. Canopy Requirements in Single-Family Residential Districts

These requirements shall apply to any property located within a single-family residential zoning district.

a. Retention of Regulated Trees

All regulated trees shall be retained within the front, side, and rear yard setback areas; except as provided for in subsection 405.19(e)4.

b. Development Location

Development shall be located on a site in such a way to maintain as many regulated trees as possible.

6. Canopy Requirements for Multifamily and Nonresidential Districts

These requirements shall apply to any development located within a multifamily or business/commercial district.

a. All developments shall be designed so as to retain at least 40 percent of the initial canopy.

b. All development shall be designed so that, in 20 years' time, 50 percent of the property will be underneath tree canopy. In areas identified as significant uplands habitat, this canopy requirement can be satisfied by the 50 percent open space requirement in subsection (a)2. In other areas, existing trees may be relocated or additional trees planted in the appropriate areas to meet this criterion.

c. The additional trees shall conform to the characteristics specified by the publication "Standards for Nursery Stock" available from the State of Florida Department of Agriculture and Consumer Services. All replacement trees shall be Florida Nursery Grade No. 1 or better and shall have a minimum height of eight feet and a minimum tree caliper of three-fourths inch at the time of planting. Acceptable tree species are listed in the Table 405.19.2.

d. Other tree species may be added to this list based upon whether or not the species is a naturally occurring tree in the Idylwild/Serenola area.

7. Protection of Existing Trees

a. Protection of Trees During Construction

i. The Development Review Committee shall determine during development plan review whether existing trees will require protection during construction. This decision shall be based upon the proximity of the area of construction activity and the location of the trees relative to the structure and other facilities. All trees approved for removal shall be exempt from protection requirements.
ii. Existing regulated trees may be required to be protected by barriers as provided for in §405.18.

iii. Grade changes shall not be made within the protective barriers without prior approval by the Development Review Committee. Where roots greater than one inch in diameter are damaged or exposed, the roots shall be cut cleanly and covered with soil.

iv. Landscape preparation within the protective barriers shall be limited to hand clearing or shallow disking in the area. Disking shall be limited to a depth of two inches unless specifically approved otherwise by the Director.

v. Attachments or wires other than those of a protective or non-damaging nature shall not be attached to any protected tree.

vi. Trees that have been destroyed or received major damage during construction shall be replaced prior to the issuance of the Certificate of Occupancy. Replacement trees may be required on a more than one-for-one basis if the replacement trees are smaller than the tree being removed.

(f) Archaeologically Significant Areas

1. Purpose and Intent
A number of Archaeologically Significant Areas have been identified within the Idylwild/Serenola study area. These areas are not mapped, but have been generally located during field surveys by representatives of the State of Florida, Division of Historical Resources.

2. Archaeological Survey Required
If Archaeologically Significant Areas are present on a site, then the exact location and extent of the archaeologically significant site shall be surveyed by a professional archeologist and coordinated with the State of Florida Division of Historical Resources.

3. Historical Resources Preservation Criteria
In order to preserve these important historical resources, the criteria listed below shall apply to the development of parcels containing archaeologically significant areas.

   a. In-situ preservation of a site is the preferred method of avoiding damage to an archeological resource.

   b. Preserving the site is more important than preserving the artifacts alone because the relationship of the artifacts to each other in the site provides valuable information that can be lost when artifacts are removed. Further, preserving the site keeps it available for more sophisticated future research techniques.

   c. When a residential parcel contains an archaeologically significant site, any development on that site shall be located and designed in such a way that preserves the archaeologically significant areas as common open space.
d. When a nonresidential parcel contains an archaeologically significant site, construction shall avoid damage to the site by planning construction to avoid the site. If development planning constraints preclude avoiding the site altogether, then easily removed facilities such as parking lots, tennis courts, or other similar nonpermanent construction may be allowed above the site provided there is "capping" or covering of the archeological site first with a layer of soil to protect the site. Capping may be used where:
   i. the soils to be covered will not suffer serious compaction;
   ii. the covering materials are not chemically active;
   iii. the site is one in which the natural processes of deterioration have been slowed; and
   iv. the site has been recorded.

e. A buffer may be required between the development and the archeological site. The width of the buffer shall be determined on a case-by-case basis by the professional archeologist after consultation with representatives of the State of Florida Division of Historical Resources.

f. The archeological site, if preserved in-situ, shall be protected from construction activity by the use of barriers, as provided for in §405.18.

g. If deemed appropriate after consultation with representatives of the State of Florida Division of Historical Resources, the site may be mitigated through data recovery.

h. If, during the construction phase of a development, an archeological find is made on a parcel not previously identified as an archaeologically significant site, the developer shall cease work within 20 feet in all directions of the find and within five working days shall notify by writing the Department and representatives of the State of Florida. The developer shall engage a professional archeologist to have an archeological and historical survey prepared. Within ten working days, the archeologist shall determine, after consultation with the State of Florida Division of Historical Resources, whether or not the find is significant and, if so, the actual dimensions of the site. A significant archeological find is one which:
   i. is associated with an event or person of recognized significance in Florida or American history or recognized scientific importance in prehistory;
   ii. can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archeological research questions;
   iii. has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;
   iv. possesses substantial stratigraphic integrity; or
   v. involves important research questions that historical research has shown can be answered only with archeological methods.
Chapter 405. Special Districts and Activity Centers  
Article 5. Idylwild/Serenola Special Area Study

i. If the find is not determined to be significant, the developer may resume construction without amendment to the development plan.

j. If the find is determined to be significant, the developer shall have the option of revising the development plan so as to comply with this Section or mitigating through data recovery.

k. If a determination is not made within the ten-working-day time period, then the find shall not be considered significant and the developer may resume construction without amendment to the development plan.

(g) Scenic Roads
Crown Road (56th Avenue and 17th Terrace) has been identified as a scenic road. Development activities occurring along Crown Road shall be consistent with the Chapter 405, Article 9, Scenic Road Corridors Overlay of this ULDC.

405.20 Land Use
(a) Density
Within the boundaries of the Idylwild/Serenola Special Area Study, the limitations listed below on allowable residential density shall apply to properties that are adjacent to parcels designated as Residential 0-2 units per acre or 2-4 units per acre on the Idylwild/Serenola Future Land Use Map.

(b) Parcels within 150 Feet
1. For that portion of those adjacent properties within 150 feet of parcels so designated, the residential density shall not exceed two units per acre above the maximum zoned density of the designated parcel.
2. The 150 feet shall be measured from the boundary of the zoning district of the parcels so designated, referred to henceforth as the zoned boundary.
3. Adjacent properties shall mean abutting properties or properties that are separated by a private or County right-of-way or easement, but properties that are separated by an arterial road shall not be considered adjacent.
4. Within those 150 feet, the character of the proposed development shall be the same as the character of development in that adjacent residential zone with regard to the building height and housing type.
5. The density may be increased by an additional two units per acre for every additional setback of 150 feet from the zone boundary.
6. Increases in density may be permitted for development of a planned unit development shown to be sufficiently similar in character and intensity so that compatibility is maintained.
7. The planned unit development shall use such techniques as screening and buffering and building height and design restrictions.

405.21 Infrastructure
Any new development, subdivision or PD shall be connected to a public water supply and a centralized sewer facility.

(a) Application
This Section shall not apply to the development of single-family lots of more than three acres in size or existing lots of record of less than three acres in size, either of which receive approval by the Health Department for well or septic permits.
(b) **Burden of Proof**

1. The burden shall be on the property owner to demonstrate that a lot of record was existing prior to February 7, 1989.

2. In both cases, the well and/or septic permits shall be considered temporary and shall be valid only until such time as central water and/or sewer capacity is made available. Such development shall then be required to tie into the central system(s).

405.22 **Alternative Compliance**

Except as otherwise provided in this Article, requests for alternative compliance from any provision of this Article may be made as follows:

(a) An applicant may submit a proposal which varies from the strict application of the requirements of this Article in order to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, promote the overriding public interest or general public welfare, or because the provisions of this Article do not apply or are unnecessary. Diminished value or inconvenience is not considered extraordinary hardship.

(b) The applicant shall have the burden of demonstrating the existence of the necessary conditions or reasons for alternative compliance. In any case where alternative compliance is granted, the alternative compliance shall be the minimum necessary to permit reasonable use or access. Mitigation measures may be required as a condition of granting the alternative compliance.

(c) Requests for alternative compliance shall be submitted as part of an application for development plan approval and shall be received and approved, approved with conditions, or denied by the Development Review Committee.

(d) An alternative compliance plan shall be approved only upon a finding that it fulfills the purpose and intent of this Article as well as, or more effectively than, would adherence to the strict requirements.
Article 6  
13th Street Corridor Design Standards

405.23  
Design Standards for Non-Residential Construction

(a) Purpose

1. These standards are intended to ensure that proposed non-residential development, change of use, new sign or any proposed redevelopment requiring development plan review within the 13th Street Corridor is integrated into the community through design that is human-scaled, that provides for efficient and safe vehicular and non-vehicular access and that contributes to the quality of life in Alachua County. These standards include guidelines for creating safer, efficient, pedestrian friendly projects that will benefit the citizens of Alachua County, improve the visual appearance and character of the area and provide for efficient land use and promote choice in transportation and access within the 13th Street Corridor.

2. The boundaries for the 13th Street Corridor design standards are depicted in Exhibit 405.23.1 and are generally described as those lands abutting SW 13th Street from the Gainesville City Limit (north boundary) to Paynes Prairie (south boundary).

(b) Development Standards

1. Building Design

   a. Facades and Exterior Walls

      i. Primary facades (those that face SW 13th Street or Williston Road (Main Street) shall incorporate wall plane projections and recesses for architectural relief. In no case shall a primary facade have an uninterrupted length greater than 20 feet.

      ii. Primary facades shall have a minimum transparency requirement of 25 percent of their horizontal length. Where multiple structures are built that face SW 13th Street or Williston Road, each structure shall have a designated primary facade that meets the requirements of this Section. This may be achieved through the use of windows or glazed entry areas. Entry areas for non-residential structures shall be clearly delineated and include at least two of the following features:

         (a) canopies/porticoes
         (b) overhangs
         (c) recesses/projections
         (d) raised above-the-doorway cornice parapets
         (e) arches
         (f) peaked roof forms
         (g) integrated architectural details such as tile work, moldings, planters, wing walls and/or landscaped seating areas.

   b. Roofs
Chapter 405. Special Districts and Activity Centers
Article 6. 13th Street Corridor Design Standards

i. All roof-mounted heating, ventilating and air conditioning (HVAC) and mechanical equipment shall be located so as to be screened from public view at ground level. In addition, roofs shall have at least one of the following features:

(a) parapets concealing flat roofs and roof-mounted equipment. The height of such parapets shall not at any point exceed one-third (1/3) of the overall wall height measured from the finished floor line to the roof line. Such parapets shall feature a three-dimensional cornice treatment;

(b) sloping roofs shall have an average slope greater than or equal to 4:12 but not to exceed 12:12.

c. Materials and Colors

i. Primary facades shall have one of the following as their primary building material: brick, sandstone, limestone, other native stones, tinted/textured concrete masonry units (e.g. ‘split-face block’), exterior insulation systems or stucco surfaces. Exterior building materials on primary facades shall not include exposed smooth-faced concrete block.

ii. The use of metallic, black or fluorescent colors for facades shall be prohibited.

iii. Building trim and accent areas may feature contrasting colors that complement those of the rest of the building.

2. Site Design and Relationship to the Surrounding Community

a. Adjacency to Residential Uses

Connectivity between non-residential development and adjacent residential uses shall be encouraged except where not appropriate based on safety concerns. Where these connections occur, safe pedestrian crossings shall be provided as part of the overall development plan.

b. Fencing

Fencing shall be screened by vegetation directly in front of the fence on the side of the right-of-way.

3. Pedestrian Circulation

a. Sidewalks

Sidewalks at least five feet in width shall be provided along all sides of lots that abut a public right-of-way.

b. Crosswalks

All pedestrian crosswalks shall be distinguished from driving lanes through one of the following methods to enhance pedestrian safety: use of contrasting surface materials such as pavers, brick or scored concrete or crosswalks painted using high durability paints. All crosswalks shall be subject to the requirements of the American with Disabilities Act (ADA).
4. Landscaping

In addition to the landscaping requirements found in the Unified Land Development Code, the following landscaping standards shall apply:

a. Vehicular Access Driveways

Primary access driveways from the public rights-of-way into the proposed development shall be completely separated from any parking area and/or pedestrian walkway provided such separation does not constitute a safety hazard. Such separation shall consist of a landscaped island, berms or vegetation.

b. Stormwater Management

Stormwater management areas shall be incorporated into the overall landscaping plan for the development and shall be designed to take on a natural appearance.

c. Trash and Recycling Receptacles

All solid waste and recycling containers shall be placed at the rear or side of the building. The container shall be enclosed with screening so that it is not visible from the street or adjacent property from ground level. The enclosing screening shall be painted and/or finished with the same material as is used on the building. The enclosing screening shall also be fitted with an opaque sliding or hinged door and working latch.

d. Ground Mounted HVAC Equipment

All ground mounted exterior HVAC equipment shall be placed at the rear or side of the building. All HVAC equipment shall be screened from ground level public view by one of the following methods:

i. a vegetative screen, or

ii. a walled enclosure whose materials complement the main building.

5. Signs

Signs shall be designed to be integrated with the character of the building architecture and shall be reviewed and approved as part of the overall development plan approval process by the Development Review Committee. In addition to other sign requirements found within the Article 3, Signs, Chapter 407, the following standards shall apply:

a. Free Standing Signs

Site identification signs shall be monument ground mounted signs no taller than eight feet above the natural grade. Free standing identification signs may be externally illuminated provided the surface of the sign is a non-glare material such as wood, stucco or textured surface. Any external above ground light source shall be located and hidden within a planter bed or in a burial fixture. Sign lights shall be focused, directed and arranged as to prevent glare or cause a traffic hazard. Light from illuminated signs shall not spill over onto adjoining properties or roads. No flashing or pulsating lights or internally illuminated signs shall be permitted.
b. **Building Signs**

Building signs may be externally illuminated provided the surface of the sign is a non-glare material such as wood, stucco or is textured. Building signs may also be internally illuminated only if they consist of individually cut letters that do not exceed 24” in height.

c. **Design and Color**

Building signs shall be consistent with the architecture, design and color of their respective building. The use of contrasting colors that are not consistent with the overall development shall be limited to corporate logo building signs (in the case of non-residential development) that identify individual tenants.

d. **Neon Lighting**

Except for channel letter building signs, neon signs and neon accent features on structures shall be prohibited.

e. **Application Procedures for Sign Permits**

When applying for a sign permit within the 13th Street Corridor, the applicant shall submit, in addition to their application, two copies of all sign elevations at a scale of 1/2" = 1' with one copy showing dimensions and specifications and one copy showing the sign only with a human and automobile scale figure.

6. **Development Review Submittal**

In addition to the requirements of this code, colored elevation drawings of all primary facades at a scale of 1/8" = 1'-0" shall be included with all DRC applications to ensure compliance with these development standards.

7. **Alternative Compliance**

An applicant may submit site or building plans that vary from the requirements of this Section in order to accommodate unique site features or utilize innovative design. The applicant shall provide a justification statement as to why such an alternative is warranted. The Development Review Committee will approve alternative plans only if it finds that the alternative plans are needed to accommodate unique site features or utilize innovative design, and fulfill the purpose and intent of this Section more effectively than strict adherence to the requirements of this Section.
Chapter 405. Special Districts and Activity Centers

Article 6. 13th Street Corridor Design Standards

Exhibit 405.23.1
13th Street Corridor Map

Legend
- City of Gainesville
- Boundary of SW 13th Street Corridor Design Standards

Prepared by:
Alachua County Department of Growth Management
1244 SW 3rd Avenue
Gainesville, FL 32601
904-574-5240
Date: 1/08/03

Unified Land Development Code
Alachua County, Florida
405-33
ADOPTED AS ORD. 06-14
7/20/2006
Chapter 405. Special Districts and Activity Centers

Article 7. Airport Impact Regulations

405.24 Purpose
The purpose of this Article is to:

(a) Regulate and restrict the height of structures and otherwise regulate the use of property in the vicinity of public airports within Alachua County by creating the appropriate airport hazard zones and establishing the boundaries thereof;

(b) Prevent airport hazards and provide for the elimination, removal, alteration, mitigation, and/or marking and lighting of existing airport hazards and obstructions;

(c) Regulate and restrict the use of land and certain proposed construction or alteration in the vicinity of public airports within Alachua County by creating appropriate noise zones and establishing the boundaries thereof; and

(d) Provide for the attenuation of noise within certain structures and the disclosure to prospective purchasers or lessees when these structures are located within airport noise zones.

405.25 Definitions
In addition to the definitions contained in Chapter 409, the following terms shall have the following meanings:

(a) Airport Elevation
The highest point of an airport's usable land area measured in feet above mean sea level.

(b) Airport Hazard
Any structure or any object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended, and which obstructs the airspace required for flight of aircraft in landing, maneuvering, and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.

(c) Airport Obstruction
Any structure or any object of natural growth or use of land that would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended.

(d) Decision Height
The height at which a decision must be made during an Instrument Landing System instrument approach to either continue the approach or to execute a missed approach.

(e) Minimum Descent Altitude
The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure for which no electronic glide slope is provided.
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(f) Minimum Obstruction Clearance Altitude
The lowest published altitude in effect between radio fixes on Very High Frequency Omni Directional Range Station (VOR) airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

(g) Nonprecision Instrument Runway
A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document or military service’s military airport planning document.

(h) Precision Instrument Runway
A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on a FAA-approved airport layout plan, a military service’s approved military airport layout plan, any other FAA planning document, or a military service’s military airport planning document.

(i) Utility Runway
A runway that is constructed for and intended to be used only by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(j) Visual Runway
A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indication on an FAA approved airport layout plan, a military service’s approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

405.26 Hazard Zones
Zone sizes and height limitations established in this Section conform to the standards for determining obstructions to air navigation of 14 CFR Part 77, Section 77.23. To carry out the provisions of this Article, there are hereby created and established certain airport hazard zones as they apply to the Gainesville Regional Airport and Flying Ten Airport. Such zones are defined hereinafter and are shown on the Official Zoning Map. Any area located in more than one of such zones is considered to be in the zone with the more restrictive height limitation. Except as otherwise provided herein, no structure will be erected, altered, or maintained in any zone created by this Section in excess of the applicable height limits for such zones.

(a) Primary Zone
The primary zone is an area longitudinally centered on a runway, extending to each end for turf or sod runways or extending 200 feet beyond each end of a hard-surface runway, with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off area, or
is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

1. Gainesville Regional Airport
   a. 1,000 feet for precision instrument and nonprecision instrument runways (Runways 10 and 28).
   b. 500 feet for nonprecision instrument runways having visibility minimums greater than three-quarters statute mile (Runway 24).
   c. 500 feet for visual runways having only visual approaches (Runway 6).

2. Flying Ten Airport
   250 feet for utility runways having only visual approaches (Runways 18 and 36).

(b) Horizontal Zone
The horizontal zone is the area around each airport identified herein with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone to each airport’s runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

1. Gainesville Regional Airport
   a. 10,000 feet for all runways not designated as utility or visual (Runways 28, 10, and 24).
   b. 5,000 feet for all runways designated as utility or visual (Runway 6).

2. Flying Ten Airport
   5,000 feet for all runways designated as utility or visual (Runways 18 and 36).

(c) Height Restriction
No structure or obstruction will be permitted in the horizontal zone at either the Gainesville Regional Airport or Flying Ten Airport that has a height greater than 150 feet above the airport elevation.

(d) Conical Zone
The conical zone is the area extending outward and upward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport elevation at the inner boundary of the conical zone, with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.

(e) Approach Zone
An approach zone is the area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

1. Inner Edge
   The inner edge of the approach is the same width as the primary zone and it expands uniformly to a width of:
Chapter 405. Special Districts and Activity Centers

Article 7. Airport Impact Regulations

a. Gainesville Regional Airport
   i. 16,000 feet for precision instrument runways (Runway 28).
   ii. 3,500 feet for nonprecision instrument runways (Runways 10 and 24).
   iii. 1,500 feet for that end of a runway other than a utility runway with only visual approaches (Runway 6).

b. Flying Ten Airport
   i. 1,250 feet for that end of a utility runway with only visual approaches (Runways 18 and 36).

2. Approach Surface
   The approach surface extends for a horizontal distance of:
   a. Gainesville Regional Airport
      i. 50,000 feet for all precision instrument runways (Runway 28).
      ii. 10,000 feet for all nonprecision instrument runways other than utility runways (Runways 10 and 24).
      iii. 5,000 feet for all utility or visual runways (Runway 6).
   b. Flying Ten Airport
      5,000 feet for a utility and visual runway (Runways 18 and 36).

3. Permitted height
   Permitted heights within the approach zones are the same as the runway end height at the inner edge of each approach zone, and increase with horizontal distance outward from the inner edge as follows:
   a. Gainesville Regional Airport
      i. Permitted height increases one foot vertically for every 50 feet horizontal distance for the first 10,000 feet and then increases one foot vertically for every 40 feet horizontal distance for an additional 40,000 feet for all precision instrument runways (Runway 28).
      ii. Permitted height increases one foot vertically for every 34 feet horizontal distance for all nonprecision instrument runways other than utility runways (Runways 10 and 24).
      iii. Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways (Runway 6).
   b. Flying Ten Airport
      Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways (Runways 18 and 36).

(f) Transitional Zone
   The transitional zone is the area extending outward and upward from the sides of the primary zones and approach zones. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where they adjoin and increase at a rate of one foot vertically for every seven feet horizontally,
with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the approach zone that extends beyond the conical zone.

### 405.27 Exception to Height Limitations

Except as required in §405.26 nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure to a height of 45 feet above ground level at the site of the structure.

### 405.28 General Height Restriction

Structures or obstruction shall not be permitted within the unincorporated area of Alachua County outside of the zones created by §405.26 that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised, or impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff weather minimums for any runway at the Gainesville Regional Airport or the Flying Ten Airport. Structures or obstructions not exceeding 75 feet in height above ground level shall be excluded from the provisions of this subsection only.

### 405.29 General Use Restrictions

In addition to other provisions of this Article, the following requirements shall apply to the entire unincorporated area of Alachua County.

(a) **Lights and Illumination**

All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.

(b) **Visual Hazards**

No operations from any type of use shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of a public airport.

(c) **Electronic Interference**

No operations from any type of use shall produce electronic interference with navigational signals or radio communication between the airport and aircraft.

(d) **Marking and Lighting of Nonconforming Structures**

Any owner of any nonconforming structure or airport obstruction is hereby required to permit the installation, operation, and maintenance thereof of such markers and lights as shall be deemed necessary by the County, in accordance with FAA Advisory Circular 70/7460-1 entitled “Obstruction Marking and Lighting,” as incorporated by 14 CFR, Part 77, subsection 77.11(b)(3), as amended, to indicate to the operators of aircraft in the vicinity of airports the presence of such airport hazards or obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the owner or operator of such structure or airport obstruction.
405.30 **Noise Contour (Ldn) Lines**

(a) **Purpose**

The purpose of this subsection is to restrict the use of land in this overlay district to those uses that are compatible with the high ambient noise levels created by low flying aircraft following prescribed flight paths in landing or takeoff from Gainesville Regional Airport, in order to:

1. protect Gainesville Regional Airport against encroachment of land uses which might affect the operational capacity of the airport; and
2. limit new or redeveloped land uses to those uses that are compatible with the noise environment around the airport.

(b) **Description of Noise Contour (Ldn) Lines**

The existing noise contour (Ldn) lines as adopted in the Transportation Mobility Element of the Alachua County Comprehensive Plan shall serve as the general boundaries for these areas and shall be shown on the Official Zoning Map.

(c) **Restrictions and Standards**

All new dwelling construction shall comply with the standards, requirements, and guidelines on noise abatement and control, as set forth in 24 CFR Part 51, Subpart B, Environmental Criteria and Standards, of Title 24 CFR, as existing or amended, and shall also conform with The Noise Guidebook (U.S. Department of Housing and Urban Development, Office of Community Planning and Development), where applicable.

(d) **Prohibited Uses**

Residential structures within the 70 Ldn line shall be prohibited.

(e) **Uses Requiring Attenuation of Noise**

1. **Uses within the 65-70 Ldn Area**

   The following uses located within the 65–70 Ldn area shall be required to incorporate noise level reductions of 25 decibels (dB) in the design and construction of enclosed structures:

   a. institutional uses; and
   b. residential structures.

2. **Uses within the 70 Ldn Area**

   The following uses located within the 70 Ldn line shall be required to incorporate noise level reductions of 25 dB in the design and construction of enclosed structures:

   a. commercial;
   b. manufacturing; and
   c. recreation (those portions where the public is received, office areas; or where the normal noise level is low).

3. **Noise Level Reduction for Institutional Uses**

   Institutional uses located within the 70 Ldn line shall be required to incorporate noise level reductions of 30 dB in the design and construction of enclosed structures.
(f) **Special Exceptions**

Special exceptions may be granted, pursuant to the provisions of these regulations, for:

1. Uses similar to the permitted uses listed above and whose internal activities create such high noise thresholds that they are not likely to be affected by high external noise thresholds created by low-flying aircraft following prescribed flight paths in landing or take-off from Gainesville Regional Airport; or

2. Uses similar to the permitted uses listed above and that by nature would not be affected by high external noise thresholds.

**405.31 Variances**

Any person desiring to erect any structure or use property in a manner that is not in conformance with this Section may apply to the Board of Adjustment for a variance from the provisions of this Section. A variance shall be requested as provided in Article 25 of Chapter 402. Variances shall comply with the requirements of F.S. § 333.07(2) regarding notification and action on the part of the Board of Adjustment. In addition:

(a) Each applicant for variance shall show documentation of compliance with Federal Notice of Construction under 14 CFR part 77, Subpart B, and a valid aeronautical evaluation of the proposed construction;

(b) Consideration of criteria in F.S. § 333.025(6) shall be used to determine whether to issue or deny a variance;

(c) A variance shall not be approved solely on the basis the proposed structure will not exceed federal obstruction or any other federal aviation regulation.

**405.32 Disclosure Statement Required**

A disclosure statement shall be given by any person selling, leasing, assigning, or otherwise conveying any interest in any real property located in the noise contour (Ldn) lines as described herein to the other party or parties to the transaction. The disclosure statement is required for the purpose of informing any person considering obtaining any such interest in said real property that the property is located in an area or district as defined herein as affected by noise generated by operations of the Gainesville Regional Airport. The disclosure statement shall be on such form as prescribed by the County.
Article 8 Preservation Buffer Overlay District

405.33 Description
The Preservation Buffer Overlay District includes all real property within 660 feet of lands that are designated as Preservation according to the Future Land Use Map of Alachua County, or an equivalent category designated on the Future Land Use Map of any adjacent jurisdiction or any other public park or preserve established for the purpose of preserving natural habitats.

(a) Intent
The intent of the Preservation Buffer Overlay District is to protect the quality and integrity of Preservation lands from impacts of adjacent development on wildlife, including listed species, wildlife habitat, water quality and quantity, native vegetation, and human use and enjoyment of Preservation lands, while protecting the rights of property owners. The intent is also to provide the appropriate management entities of the identified Preservation areas an opportunity to review and provide recommendations on development activities within the overlay district.

(b) Application and Administration
1. Development Plan Review Required
   a. Development Plan Review, as provided in Article 10 of Chapter 402, shall be required for all development activity within the Preservation Buffer Overlay District.
   b. The construction or alteration of a single-family residence on an individual lot of record that otherwise meets the requirements of this Article shall not require Development Plan Review.

2. Notification of Affected Agencies
   a. The Florida Department of Environmental Protection; the applicable water management district; or any other relevant state, regional, or local public agencies with management responsibility for the adjacent Preservation lands shall be notified of each development application within the district and requested to provide written comments and recommendations regarding:
      i. the recommended width of the buffer area to be established based on the proposed development activity and on the standards and criteria contained in this Article; and
      ii. the development limitations which should apply within such buffer area.
   b. Where listed species are identified on lands within the Preservation Buffer Overlay District proposed for development, or on adjacent Preservation lands, the Florida Fish and Wildlife Conservation Commission shall be notified of a development application and requested to provide written comments and recommendations.

3. Development Location
   All development on lands within the Preservation Buffer Overlay District shall be located on the portion of the site that results in the least adverse impact on adjacent Preservation lands.
4. Required Buffer Width

A minimum buffer width of 100 feet shall be required from the boundary of any Preservation lands, unless otherwise provided in this subsection.

a. A buffer width of less than 100 feet may be approved, in conjunction with the construction of a public park or a single-family residence on an individual lot of record, through the Development Plan Review Process. The Development Review Committee or Board of County Commissioners may include conditions to ensure that the reduced buffer width is consistent with the intent of the Preservation Buffer Overlay District regulations and the recommendations of the managing entity for the adjacent Preservation lands.

b. A buffer width of more than 100 feet may be required through the Development Plan Review Process if scientific evidence indicates it is necessary to protect habitat of listed species whose range includes any lands within the Preservation Buffer Overlay District and adjacent Preservation lands, or to address water quality or quantity concerns.

c. For existing lots of record less than or equal to three acres in size, the Director may grant a reduction in buffer width as it applies to placement of single family residential structures and related improvements only, according to the following provisions. If the following provisions cannot be met, an applicant may request a reduction from the Development Review Committee in accordance with subsection a above.

i. For lots smaller than one acre the buffer width for placement of single family residential structures and related improvements may be no less than 25 feet. Activities listed in §405.33(c)3 are still prohibited activities within the entire 100 foot buffer area, with the exception of the activities listed in item b and the placement of any fill necessary for construction of the residential structure.

ii. For lots one acre in size to three acres in size the buffer width for placement of single family residential structures and related improvements may be no less than 50 feet. Activities listed in §405.33(c)3 are still prohibited activities within the entire 100 foot buffer area, with the exception of the activities listed in item b and the placement of any fill necessary for construction of the residential structure.

d. The determination for a reduction or increase in the width of the buffer shall be based on the following general factors:

i. type of development proposed and associated potential for adverse site-specific impacts;

ii. type of development proposed and associated potential for adverse off-site impacts;

iii. natural community type and associated hydrologic or management requirements of the adjacent preservation lands;

iv. characteristics of the overlay zone, such as vegetation, soils, and topography;
v. required buffer function (e.g., water quality protection or wildlife habitat requirements); and

vi. presence of rare, threatened, or endangered species of plants and animals; and

vii. recommendations of the managing entity of the adjacent Preservation area.

(c) Development Standards for Buffer Area

Within the buffer area, the standards listed below shall apply:

1. Maintenance in Natural State

The buffer area shall be maintained in its natural undisturbed state. No activity shall occur within the required buffer area, except as expressly provided in this Article or as approved by Alachua County. The above shall not be interpreted to prohibit the removal of non-native, dead, or fallen vegetation or the planting of non-invasive native vegetation that is compatible with site characteristics and with the vegetation and wildlife requirements of adjacent properties.

2. Firewise

If the required buffer is located in an area identified as a high wildfire hazard, selective thinning or clearing of dead, diseased, and fire-prone vegetation may be permitted within the buffer area in order to comply with the Firewise Requirements identified in §407.43.6 of this ULDC. A landowner must receive administrative approval from the County prior to such thinning or clearing of vegetation. The following information must be submitted with a request for administrative approval:

a. an analysis of the wildfire hazards as influenced by existing vegetation and topography;

b. a map showing the location of the areas to be cleared of dead, diseased, or fire-prone vegetation or trees;

c. a map showing the location of areas where vegetation or trees will be thinned to reduce the interlocking canopy; and

d. proposed methods of clearing or removal.

3. Prohibited Activities

The following activities shall be prohibited within the buffer area:

a. septic tanks and drainfields;

b. placement of any roads, utilities, or structures except as provided in subsection (e) of this Article;

c. planting of invasive, nonnative vegetation;

d. excavation or fill;

e. maintaining livestock, except as specifically allowed by an approved management plan;

f. storage or parking of equipment, supplies, materials, machinery, and portable or temporary buildings; and
g. application, use, or storage of herbicides, pesticides, fertilizers, or chemical agents, except any application of herbicides which may be specifically allowed by an approved management plan for the purpose of controlling the spread of existing invasive vegetation onto Preservation lands.

4. Permitted Activities
Within the setback area, the following uses are permitted:

   a. elevated walkways and stairs;

   b. elevated decking, not to exceed a total of 200 square feet;

   c. post and rail fencing not to exceed four feet in height and not to have opacity greater than ten percent; and

   d. public trails.

5. Protective Barriers
Prior to the commencement of any construction activity within the developable area, placement of temporary barriers may be required to protect existing vegetation within the setback area.

6. Damage to Buffer Area
Any damage resulting from development activities to existing vegetation, soils, or topographic features within the buffer area shall be repaired using equivalent native materials. Any damage shall be repaired prior to the issuance of a Certificate of Occupancy for any portion of the development site.

7. Compliance with Management Plan
Any other conditions contained in an approved management plan, other than continuing maintenance responsibility, shall be carried out prior to issuance of a Certificate of Occupancy for any portion of the development site.

(d) Management Plan
A management plan may be required in order to provide for protection of natural and historic resource values and characteristics in the buffer and adjacent preservation areas, in accordance with Article 20, Management Plans, of Chapter 406.

(e) Exemptions
The following sites and activities shall be exempt from the provisions of this article:

1. All exemptions identified in Chapter 406 of this Code, Natural and Historic Resources Protection, §406.06.

2. Upon notice to the County, emergency repairs on public or private projects necessary for the preservation of life, health or property.

3. Maintenance of publicly or privately owned portions of a structural stormwater or drainage control system that does not constitute major construction or rebuilding.
Chapter 405. Special Districts and Activity Centers

Article 9 Scenic Road Corridors Overlay

405.34 Objectives of Article

The objectives of this Article are as follows:

(a) To promote the convenience and enjoyment of public travel on the highways, roadways, and other travel corridors of the county.
(b) To protect the natural and cultural heritage scenic road corridors of the county and to enhance their resource values for the enjoyment of future generations.
(c) To protect the public investment in scenic road corridors from activities, land uses, signs, etc., which impair both the integrity of the corridor, its capacity for traffic, and its visual qualities.
(d) To provide safe facilities for leisure driving, hiking, and biking.
(e) To provide access to and protect outstanding visual experiences representative of the county’s variety of landscape resources and cultural attractions.
(f) To contribute to the environmental and historical appreciation of the county and education of the residents and visitors.
(g) To attract visitors to the county by preserving natural beauty along the scenic road corridors.
(h) To expose scenic views and vistas along the travel corridor.

405.35 Guidelines for Designation

To measure the significance of the scenic, historical, and cultural value of scenic road corridors, the following guidelines shall apply:

(a) The quality of its scenic, historic, or cultural resources is unique and/or of sufficient magnitude to merit regional or county recognition;
(b) A variety and diversity of visual experience created by land form, changes in terrain, natural vegetation, type of landscape and/or land use activity is provided;
(c) Access between or to recreation areas or points of scenic, cultural, historical, or scientific interest occur as part of the system;
(d) The immediate roadside or corridor is relatively free of commercial or other development restrictive of scenic quality; and
(e) The scenic road corridor’s natural, scenic, and cultural resources are not damaged beyond their recognition and it is relatively easy to restore their initial resource value.

405.36 Specific Criteria for Designation

To receive the designation of scenic road corridor, one or more of the following criteria must apply:

(a) Scenic Resource Significance
   1. Interesting geomorphic formations.
   2. Type of natural vegetation.
   3. Presence or nearness of water bodies (by type).
   4. Overall landscape composition.
(b) **Archaeological Resource Significance**  
Area of archaeological importance.

(c) **Historical Resource Significance**  
1. Road developed prior to era of interstate development.  
2. Sites of historical importance.

(d) **Cultural Resource Significance**  
1. Unspoiled character of resource (no adverse land uses and structures).  
2. Amenability for multiple recreational uses for pedestrian, equestrian, or bicycle paths, and passive recreation.

(e) **Priority of Criteria**  
1. Scenic quality.  
2. Variety of recreation experience.  
3. Compatibility with other corridor users.  
4. Harmony with other land use.  
5. Access to parks and other recreation.  
6. Popular demand.  
7. Degree of urgency if the corridor is to be protected.  
8. Protection of ecology.  
9. Suitability for use by other transportation modes (bus, pedestrian, equestrian, bicycles).  
10. Type of developmental possibilities.  
11. Resource vulnerability to incompatible land use.

### 405.37 Protected Area Along Scenic Road Corridors
The area within 100 feet of the right-of-way lines or the limits of the County’s prescriptive use on any road designated as a scenic road corridor shall be the protected area of the corridor.

### 405.38 Restrictions Along Scenic Road Corridors
The County Commission may designate by resolution or ordinance scenic road corridors for purposes of preservation. In preserving a scenic road corridor, the County Commission shall have the power to impose restrictions along the corridor, including, but not limited to, the following:

(a) Providing and erecting markers designating Scenic Road Corridors.

(b) Prohibition of outdoor advertising signs within the protected area except small (7 1/2-square-foot maximum) signs advertising residential development or homes for sale on lots or parcels of property immediately adjacent to the corridor and subdivision entryway signs constructed in accordance with Article 3 of Chapter 407.

(c) The setting and posting of speed limits.

(d) The setting and posting of maximum weight limits and classes of vehicular travel.

(e) Prohibiting the removal of trees which have attained a diameter of eight inches or more at a point 4 1/2 feet above average ground level within the protected area except under circumstances where trees have died or the over-grown trees have hindered sight lines and safety factors creating traffic hazards in accordance with
Section 405. Special Districts and Activity Centers

Chapter 405. Special Districts and Activity Centers

Article 9. Scenic Road Corridors Overlay

(405.47) Providing for preservative maintenance to protect and enhance scenic quality in accordance with §405.39.

Special Districts and Activity Centers

(405.47) Providing for preservative maintenance to protect and enhance scenic quality in accordance with §405.39.

(f) Prohibiting structures within the protected area except for the following:

1. Fences with opacity of not more than 50 percent when viewed along a line of sight perpendicular to the fence shall be permitted with an approved administrative permit.

2. Traffic signals shall be permitted.

3. Street lights shall be permitted within 25 feet of intersecting right-of-way lines.

4. Subdivision entryway signs, decorative walls, and fences built as entryway features and permitted in accordance with this ULDC shall be permitted according to the following:

   a. The line of sight is to be viewed as perpendicular to the centerline of the Scenic Roadway;

   b. The entryway structure is not to exceed six feet in height except for columns and posts, which may not exceed eight feet in height. Structures may be allowed to extend to eight feet in height and columns and posts to ten feet in height at pedestrian and bicycle access points;

   c. The width of the entryway structure is not to exceed 50 feet in a perpendicular direction from the entrance road edge of pavement;

   d. The entryway structure shall be designed in a manner that is consistent with the intent of this Chapter and blend with the natural surroundings and aesthetics of the scenic road corridor. Materials and colors utilized shall be in earth tones or natural woods;

   e. Landscaping shall be provided and maintained along those areas that are visible from the scenic road corridor line of sight to "soften" the appearance of the entryway structure; and

   f. The use of high-intensity lighting for any of these features is prohibited.

(h) Prohibiting any commercial activity within the protected area

(i) Prohibiting overhead utilities within the protected area, except for the following:

1. Utility drops may be installed to previously existing buildings within the protected area.

2. Primary electrical transmission lines carrying 25,000 volts or more may be exempted from this restriction by the County Commission after development plan approval when such transmission lines propose to cross the protected area perpendicular to the scenic road corridor.

3. Utility lines carrying less than 25,000 volts shall be installed underground when making a perpendicular crossing to service new development; however, the installation of an attractively landscaped electric transformer to the buildings or structures in such new development from an underground electric connection shall be permitted within the protected area.

(j) Providing for the mapping and description of all designated scenic road corridors in the Comprehensive Plan as part of the Conservation and Open Space Element.
Nothing herein shall be construed as otherwise denying the use of the protected area as yard space.

**405.39 Maintenance of Corridors and Scenic Quality**

The County Engineer shall implement the following guidelines for scenic road corridor maintenance:

(a) Conserve and restore the high quality of natural resources and unique features such as tree canopy, ground cover, animals and geological features in their natural state.

(b) Preserve cultural and historical character.

(c) Clear cutting of vegetation in the scenic road corridor right-of-way shall not be permitted, except as authorized in subsection (d) of this section, and except under such circumstances where the sight lines are obstructed and contributing to traffic hazards after fulfilling procedures in §405.41(b)3; provided, however, that one annual clear cutting shall be permitted, if necessary, to restore scenic vistas along a corridor.

(d) Selective vegetation cutting may be permitted to open up and enhance views and vistas within the scenic road corridor right-of-way upon recommendation of the staff and approval of the County Commission.

(e) Where proper permits have been obtained controlled burning may be practiced where necessary to encourage vegetation growth and control insect and pest occurrence.

(f) Mowing shall be permitted in drainage ditches to prevent clogging and overflow.

(g) Trees and other vegetation damaged beyond the restoration stage, either by natural causes or accidents, should be removed. Attempts should be made to replant such areas to bring them to their original state.

(h) In cases where recreation access and/or facilities (scenic overlook, picnic areas, multi-purpose trails, unpaved parking) are provided, they shall be maintained on a regular basis.

**405.40 Variances**

The County Commission may grant variances from the terms of this Chapter if serving the public interest and where, due to special conditions, a literal enforcement of the provisions would result in unnecessary and undue hardship or a safety hazard. Public notice shall be provided in accordance with Article 4 in Chapter 402 of this ULDC. In granting variances, the County Commission shall make a finding that:

(a) Special conditions and circumstances exist which are peculiar to the land, such as size, shape or topography, which are not applicable to other lands in the protected area;

(b) The special conditions and circumstances do not result from the actions of the applicant;

(c) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

(d) The variance is necessary to promote public safety.
405.41 Procedure for Designation

(a) Method of Designation

1. Once a request has been received to designate a particular road as a scenic road corridor, staff will review the proposal and prepare a report and recommendation to be presented to the County Commission.

2. Should staff's report be favorable, the County Commission shall give public notice of a hearing to consider designation as a scenic road corridor, in accordance with the requirements of Article 4, Chapter 402 of this ULDC. The notice shall include the following:
   a. Description and location of the corridor and popular name;
   b. Maximum weight limit to be set, if any;
   c. Speed limit to be set, if any;
   d. Description of the protected area; and
   e. Any other special limitation, restriction or use not covered above which may be imposed along the scenic road corridor.

(b) Modification or Revocation of Designation

1. Addition of Right-of-Way Width
   The addition of right-of-way width along a designated scenic road corridor shall have no effect upon the reservation and protection of the full designated protected area unless and until the County Commission approves an improvement plan that encroaches into the full designated protected area and financing of construction for the reclassified designated scenic road corridor has been established. In such instance, the scenic nature of the road shall be preserved to the maximum extent possible. This may include replanting of similar types of vegetation, including native vegetation, if available.

2. Change in Character
   In the event of change in character of a designated scenic road corridor, whether due to natural disaster or degradation, except for man-made disaster or degradation, the same procedure specified in subsection (a) of this Section shall be utilized to consider continuing designation of the road as a scenic road corridor. In no case shall a change in character, where due to natural or man-made causes (such as incorporation in municipal limits), result in revocation unless a study report of the staff clearly shows that restoration to the original character of the scenic road corridor is impracticable. The same procedures specified in subsection (a) of this Section shall be used to modify designated scenic road corridors.

3. Revocation
   No designated scenic road corridor shall be revoked for any reason whatsoever except by the procedure specified in subsection (a) of this Section. A designated scenic road corridor may be revoked by the procedures specified in subsection (a) of this Section when:
   a. Its character has been adversely altered by natural causes, rendering it irretrievable as a scenic road corridor; or
b. Imminent construction due to reclassification as provided in paragraph 1 above, when such construction irrevocably destroys the scenic character of the protected area.

(c) Public Hearing

1. At the time of hearing, the proof of publication of the required notice shall be filed with the County Commission.

2. Mailed notice shall be provided to all property owners located along the proposed corridor no later than 15 days prior to the public hearing.

3. At the hearing, the County Commission shall hear all interested parties and, should it determine that a road should be designated, modified, or revoked as a scenic road corridor, it shall adopt an appropriate resolution or ordinance stating the same.

4. Each such resolution or ordinance by the Board of County Commissioners shall have the effect of designating, modifying, or revoking, as the case may be, a road as a scenic road corridor.

5. Such designation, modification, or revocation as a scenic road corridor shall become effective when a certified copy of such resolution or ordinance has been filed by the Board in the office of the Clerk of the Circuit Court and duly recorded in the public records of the County.
Chapter 405, Special Districts and Activity Centers

Article 10, Eastside Activity Center Overlay District

405.42 Eastside Activity Center Overlay District

(a) Description of District

This district includes all properties within the Eastside Activity Center boundaries as shown on Map 12 (Eastside Activity Center Master Plan – Future Land Use) in the map series of the Future Land Use Element, Alachua County Comprehensive Plan.

(b) Intent

The intent of this district is to implement the Eastside Activity Center Master Plan as well as the Objectives, Goals and Policies for the Activity Center as provided in Policy 2.5.10 of the Comprehensive Plan’s Future Land Use Element. The Eastside Master Plan is intended to create a mixed-use activity center with neighborhood-oriented retail, institutional, residential and office uses.

(c) Zoning

The following zoning districts shall be implemented as shown on Map 12 (Eastside Activity Center Master Plan) of the Future Land Use Element and shall supercede all existing zoning designations found within the Activity Center:

1. Mixed Use
2. Mixed Use – Neighborhood Convenience Center
3. Mixed Use Employment
4. Mixed Use Residential (1-4 du/acre)
5. Mixed Use Residential (4-8 du/acre)
6. Mixed Use Residential (8-14 du/acre)
7. Institutional

(d) Permitted Uses

The following permitted uses shall be allowed within each of the Activity Center zoning districts:
### Table 405.42.1
Permitted Uses in Eastside Activity Center Zoning Districts

<table>
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</thead>
<tbody>
<tr>
<td><strong>Commercial</strong></td>
<td>Conveniences store, drug store, grocery store, laundry, dry cleaning, day care center</td>
<td>Retail sales and services</td>
<td>Retail sales and services</td>
<td>Retail sales and services</td>
<td>Retail sales and services</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td>Business &amp; professional offices, business and professional services, technology based firms</td>
<td>Business &amp; professional offices, technology based firms</td>
<td>Business &amp; professional offices, technology based firms</td>
<td>Business &amp; professional offices, business and professional services, technology based firms</td>
<td>Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td>Single family attached and detached, multi-family dwellings (maximum 2 du/acre)^4</td>
<td>Single family attached and detached, multi-family dwellings (maximum 8 du/acre)^4</td>
<td>Single family attached and detached, multi-family dwellings (1-4 du/acre)</td>
<td>Single family attached and detached, multi-family dwellings (4-8 du/acre)</td>
<td>Single family attached and detached, multi-family dwellings (8-14 du/acre)</td>
</tr>
<tr>
<td><strong>Institutional</strong></td>
<td>Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities</td>
<td>Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities</td>
<td>Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities</td>
<td>Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities</td>
<td>Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities</td>
</tr>
</tbody>
</table>

**Notes**
Chapter 405. Special Districts and Activity Centers
Article 10. Eastside Activity Center Overlay District

1. Public Civic Uses (as defined in FLUE Policy 2.5.10.8) are allowed in all districts.
2. Non-residential uses are allowed only within mixed-use buildings in the ‘Mixed Use – Residential’ zoning districts.
3. Uses in the Institutional area identified for Civic Open Space may be established in accordance with FLUE Policy 2.5.10.7.
4. In order for this density to occur, there must be a minimum of 1,000 square feet of non-residential uses for each dwelling unit.
5. In order for this density to occur, there must be a minimum of 2,000 square feet of non-residential uses for each dwelling unit.

(e) Development Standards
The following development standards shall be allowed within each of the Activity Center zoning districts:

Table 405.42.2
Development Standards in Eastside Activity Center Zoning Districts

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Non-residential</td>
<td>Maximum 60 feet</td>
<td>Maximum 45 feet</td>
<td>Maximum 35 feet</td>
<td>Maximum 35 feet</td>
<td>Maximum 45 feet</td>
<td>Maximum 55 feet</td>
</tr>
<tr>
<td>Mixed use -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.20 mixed use</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>0.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Floor Area Ratio (F.A.R.)</td>
<td>Non-residential only - 0.20</td>
<td>Non-residential only - 0.15</td>
<td>Non-residential only - 0.40</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Retail Limitations</td>
<td>Retail uses shall not exceed 60% of total allowed non-residential floor area</td>
<td>At least 50% of residential dwelling units shall be located above non-residential uses within mixed use buildings</td>
<td>Retail uses must be located mixed use buildings that also contain non-retail uses. No more than 5% of the total floor area may be used for retail</td>
<td>Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building</td>
<td>Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building</td>
<td>Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building</td>
</tr>
<tr>
<td>Setbacks</td>
<td>None</td>
<td>None</td>
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Notes
1. Individual retail uses within mixed use buildings shall not exceed 3,000 square feet per storefront.

(f) Public Civic Uses
Public civic uses that are open to the general public shall be permitted in all zoning districts within the activity center. Permitted uses shall include educational facilities, cultural, social, active recreation, community centers and libraries. A density bonus...
of 1 dwelling unit per 500 square feet of indoor public civic use and 1 dwelling unit per 5,000 square feet of outdoor public civic use shall be permitted.

(g) Transportation and Traffic Circulation
An internal traffic circulation system shall be implemented in coordination with Future Land Use Policy 2.5.10.4 and the East Side Activity Center Community Facilities Map. All transportation corridor and traffic circulation improvements shall be made as conditions of development plan approval. All improvements shall connect to existing roads and rights-of-way except where this is precluded by existing development or environmental features.

(h) Natural Resource Protection
New development within the Activity Center shall take into account the Eastside Greenway Strategic Ecosystem as identified on the Eastside Activity Center Community Facilities Map. The primary purpose of the Strategic Ecosystem Wildlife Corridor identified on the Facilities Map is to preserve the integrity of the Eastside Greenway Strategic Ecosystem. Therefore, all proposed development activity shall be designed to ensure the continued viability of the Ecosystem as well as providing for a wildlife corridor within the ecosystem with an average width of 300 feet. This shall include, but is not limited to, providing an appropriate set aside for the corridor that is integrated into all proposed development plans. Where the requirements in this section exceed those found under the general policies and requirements for Strategic Ecosystems found elsewhere in the Plan and the ULDC, these requirements shall prevail.

(i) Urban Design
Development within the activity center shall employ a mix of uses, both vertically and horizontally. No minimum setbacks for the activity enter are established. Projections into public rights-of-way and easements may be permitted for porches, stoops, balconies and bay windows with approval by the DRC. On street parking shall be accommodated and shall be counted toward required parking provided the space is within 300 feet of the supported use.

1. Design of streets and public rights-of-way shall accommodate mass transit as well as bicycle and pedestrian corridors.
2. Buildings shall front major streets and primary entrances shall open to the street. Sidewalks, signage, street trees and street furniture shall be used to promote the pedestrian character of the activity center.
3. Development in the Activity Center shall be in the form of streets and blocks.
4. Parking structures shall be permitted in all zoning districts.
5. On street parking spaces shall be counted toward parking requirements provided the space is within 300 feet of the supported use. On-street parking shall count toward only one required space except in those instances where shared parking is approved.
Chapter 405. Special Districts and Activity Centers

Article 11. Urban Service Area

405.43 Applicability
The Urban Service Area includes those areas defined within the Comprehensive Plan in the Future Land Use Element Objective 8.6. All new development and redevelopment within the Urban Service Area is subject to this Article.

405.44 Design Standards
(a) All new development and redevelopment within the Urban Service Area shall develop, at a minimum, consistent with the design standards for a Traditional Neighborhood Development in Chapter 407, Article 7. New development shall not be required to meet the standards in §407.64(d) and §407.64(c)1.

(b) Any new nonresidential development on 25 or more acres or including 150 or more residential units shall be required to develop as either a Traditional Neighborhood Development or Transit Oriented development consistent with the standards in Chapter 407, Article 7.

(c) Any new development proposing 1,000 or more new dwelling units or 350,000 square feet or more of non-residential uses and is located on a planned Rapid Transit Corridor shall be required to develop as a Transit Oriented Development consistent with the standards in Chapter 407, Article 7.

(d) Notwithstanding the acreage requirements of §407.64(c)1, all development within the Urban Service Area shall have the option of developing consistent with the Traditional Neighborhood Development standards in Chapter 407, Article 7, as allowed by Policy 8.6.1 of the Future Land Use Element of the Comprehensive Plan.

405.45 Exceptions to Design Standards for Certain Development Types
(a) Parcels less than 5 acres
Where it can be demonstrated that development on parcels less than 5 acres can not strictly adhere to the urban design standards in Chapter 407, Article 7, those parcels shall develop consistent with the design standards in §405.07.

(b) Institutional Uses
The following types of institutional development when developed outside a TND or TOD, shall not be required to meet the design standards for a TND or TOD. However, these uses shall meet as many TND/TOD design standards as practicable:

1. Public and private educational facilities
2. Community services as identified in the Use Table in Chapter 404
3. Public utility, communications, or infrastructure services
4. Assisted Living Facilities and Nursing Homes

(c) Industrial Development
Industrial development within the ML, MS, MP, or BW zoning districts shall not be required to meet the standards for a TND or TOD. However, these developments shall continue to provide for an interconnected multi-modal transportation system consistent with the standards in Chapter 407.
405.46 Developments of Regional Impact

Within the Urban Service Area, all new development and redevelopment shall be exempt from the State of Florida Development of Regional Impact (DRI) process in accordance with Florida Statute 380.06(29)(c)3.
Chapter 406 Natural and Historic Resources Protections

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Article 1 General

406.01 Purpose

It is the purpose of this Chapter to:

(a) Preserve, protect, and improve the public health, safety, general welfare, and quality of life of the citizens of Alachua County, by conserving, managing, restoring, or enhancing natural and human-related resources that provide potable water, clean air, productive soils, and a healthful array of human, plant and animal life;

(b) Implement the Comprehensive Plan, with particular emphasis on preserving and protecting biodiversity and the ecological values and functions of uplands, wetlands, open bodies of water and flowing streams, floodplains, groundwater, springs, caves, and other significant geologic features, soils and slopes, and flora and fauna; and

(c) Protect the natural resources, open spaces, and historic character of the community in a manner that preserves and cultivates a unique sense of place while fostering economic well-being, maintaining adequate quality and quantity of water and land, and minimizing the present and future vulnerability to natural and man-made hazards.
Chapter 406. Natural and Historic Resources Protections

Article 1. General

406.02 Natural and Historic Resources Regulated

It is unlawful for any person to adversely impact any natural or historic resource regulated under this Chapter without first obtaining the required natural or historic resources review and approval. In addition to the protections identified in this Chapter, there may be other regulations in the Alachua County Code that are applicable. References to other potentially applicable regulations are provided below.

(a) Water Quality Code – See Chapter 77.
(c) Murphree Wellfield Protection Code – See Chapter 355.
(d) Groundwater Protection Code – See Chapter 358.
(e) Commercial Dairies – See Chapter 404.
(g) Fertilizer Standards and Management Practices – See Chapter 78.
(h) Irrigation Conservation Standards and Management Practices – See Chapter 79.
(i) Year-round Water Conservation Measures and Water Shortage Regulations – See Chapter 80.

406.03 Use of Sound Environmental Practices

The provisions in this Chapter are intended to accommodate development while also protecting and preserving valuable natural and historic resources. In furtherance of this objective, applicants shall be required to use sound environmental practices, to plan for proposed activities and projects in the context of natural systems and historic features of the landscape. Applicants are encouraged to use conservation design techniques such as clustering and density transfer to produce marketable projects while protecting natural and historic resources.

(a) Satisfaction of Open Space Requirements

When land development involves a parcel that contains regulated natural or historic resources, the County’s open space requirements shall be fulfilled first with regulated natural or historic resources. These areas shall be protected as conservation management areas in accordance with Article 17.

(b) Minimized Impact within Upland Conservation Areas

Avoidance or minimization shall be required for all conservation areas in accordance with §406.113 of this Chapter. Where the applicant demonstrates that all reasonable steps have been taken in the attempt to avoid significant adverse impact to regulated natural and historic resources, and proposed impact is consistent with upland habitat limitations under Article 3, Article 4, and Article 5 of this Chapter, development in regulated upland resource areas may be authorized as follows and shall not constitute a significant adverse impact:

1. Density will be calculated within the regulated upland resource area at the rate of 1 unit per 5 acres in the Rural/Agricultural land use.
2. In other land use designations, density will be calculated within the regulated resource area at the lowest density allowed by the established zoning district.
3. For residential uses, reasonable access shall be allowed as follows:
   a. A driveway shall not exceed twenty feet in width (excluding roadways serving multiple parcels); and
b. Location and design of the driveways and roadways shall be designed to avoid or minimize adverse impacts on the resource(s) protected under the management plan for the subdivision, balancing such resource protection with the need for safe access to the site.

c. For nonresidential uses, building impact limitations shall be determined on a case-by-case basis.

4. Parcels, lots, building areas, and driveways shall be configured to minimize overall impact to ecosystem integrity.

5. No impact shall be allowed to wetlands or associated wetland buffer areas, except as consistent with the requirements of Article 6 of this Chapter.

(c) Eligibility for Cluster Bonus

A parcel may be eligible to receive cluster bonus units for Rural/Agriculture Clustered Subdivisions under Table 407.78.2 where there are areas determined through ground-truthing to be non-conservation areas that are suitable for development to which density may be transferred, and protection of regulated natural and historic resources is provided in accordance with an approved management plan that identifies measures taken to conserve, maintain, and enhance ecological integrity and resource value while avoiding or minimizing adverse impact.

(d) Eligibility for Planned Development with Transfer of Development (PD-TDR)

1. Planned Developments with Transfers of Development Rights (PD-TDR) may be proposed for two or more noncontiguous tracts of land to facilitate transfers of development rights from regulated conservation areas as defined in Conservation and Open Space Element Policy 3.1.1, to less sensitive areas designated as Rural/Agriculture on the Future Land Use Map. The PD-TDR will allow units of density to be transferred from one parcel (sending area) to another (receiving area) and both parcels shall be rezoned as PD-TDR-S and PD-TDR-R, respectively. As a result of the transfer, receiving parcels may be developed at a gross density that exceeds that provided on the receiving parcel by the Rural/Agriculture land use category. The process and standards for Planned Developments in Article 14 of Chapter 402, and rural cluster subdivisions in §407.77 and 407.78 of this ULDC shall apply to the combined PD-TDR Master Plan for both areas with the following additional requirements:

a. The Planned Development must be implemented as a unified development plan including both the sending and receiving parcels. The sending parcel shall be so designated in perpetuity unless both the sending and receiving parcels are considered for rezoning simultaneously and the overall density in the rural areas is not increased.

b. The sending parcels must be at least 50% field verified conservation areas.

c. The maximum number of units that can be transferred from the sending parcel shall be the lesser of:

i. The number of units that could be developed on the sending parcel(s) under the Rural/Agriculture maximum gross density of 1
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Unified Land Development Code
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unit per 5 acres, plus bonus units consistent with Future Land Use
Element Policy 6.2.10.4; or

ii. The number of upland acres, excluding wetlands and wetland
buffers, on the sending parcel(s).

d. If not all available units are transferred initially, they may remain with
the sending parcel(s). The remaining units may only be transferred to an
additional receiving parcel at a later time by way of a major amendment
to the approved PD-TDR Master Plan. All sending and receiving parcels
shall be identified on the PD-TDR Master Plan.

e. Sending parcels shall be designated as conservation management areas
on the PD Master Plan and shall be protected as conservation
management areas in accordance with Article 17 of this Chapter.

f. Residential densities of one dwelling unit per 200 acres may be retained
on the sending parcel. Higher retained densities of up to one unit per 40
acres may be allowed where it can be demonstrated that there is no
impact on resource protection and where consistent with the
Conservation Area Management Plan. The amount of density to be
retained shall be based on what is necessary to protect the integrity of
the ecological system and conservation resources. Retained density
must be developed in a manner so as to minimize impact to the
ecosystem integrity.

g. Development of receiving parcels shall be consistent with COSE Policies
3.1.1-3.1.3 and the objectives and policies in COSE 3.6.

h. A minimum of 50 percent of the combined acreage of the sending and
receiving parcels shall be permanently set aside as open space on the
sending parcel. Additionally, at least 20 percent of the receiving parcel
shall be designated as open space on the PD Master Plan consistent with
COSE Policy 5.2.2.

i. The receiving area shall be evaluated for its viability as an area of
increased development. The maximum density allowed on the receiving
parcel will be the number of units based on the Rural/Agriculture land
use designation for the receiving area, plus the additional units
transferred from the sending area, subject to the minimum lot size
requirements for developed areas of rural clustered subdivisions
specified in Policy 6.2.13. Allowance of this maximum density shall be
subject to an evaluation of factors that include availability and capacity
of public infrastructure and services, environmental suitability and the
land uses and development patterns of the surrounding areas.

j. Notice of hearings and neighborhood workshops shall be sent for both
the sending and the receiving areas. Two neighborhood workshops may
be required if the two sites are not proximate to each other.

k. All of the sending and receiving areas shall be identified on the PD/TDR
Master Plan.

2. The County, or a stakeholder organization of private landowners who owns
not less than 10,000 acres within Alachua County may propose development
of areas designated on the Future Land Use Map as Rural Land Stewardship
Areas in accordance with this Section and the provisions of Section 163.3177(11)(d), Florida Statutes.

406.04 Resources Assessment Requirements

All applications for proposals with potential adverse impact to natural or historic resources, including but not limited to applications for land use change, zoning change, and development plan approval, shall include an assessment of natural and historic resource information. The assessment shall be complete at or before the preliminary development review stage where applicable. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications, and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the County.

(a) Methodology

The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource onsite, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing. Field surveys shall be conducted during the seasons, times of day, and field conditions under which each natural and historic resource characteristic would most likely be observed, otherwise presence will be presumed.

(b) Minimum Contents

The assessment shall include site-specific identification, mapping, and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:

1. Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.
2. Maps drawn to scale, including a north arrow and scale showing the following:
   a. Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.
   b. Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.
   c. Identification of all regulated natural and historic resources, labeled by resource type.
   d. General vegetation characteristics and quality.
   e. General soil types.
   f. Proposed location of protected conservation resources and open space.
   g. Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.
3. Data and analysis that includes assessment and evaluation of the following:
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a. Existing quality and characteristics of regulated natural or historic resources.

b. Impact of the proposal on each individual natural resource and on the ecosystems in which they function.

c. Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.

d. Methods of stormwater pollution prevention.

(c) Additional Information

Additional data and analysis may be required as appropriate to the complexity of the proposed activity and types of natural or historic resources identified. Such information may include but is not limited to:

1. Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.

2. Land use and land cover classifications per Florida Land Use Classification Code or Water Management District systems.

3. Wetlands, surface waters, or 100-year floodplains identified by the National Wetlands Inventory, United States Geological Survey, Water Management Districts, or Federal Emergency Management Association.

4. Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission, Florida Department of Natural Resources, Florida Natural Areas Inventory, Florida Department of Environmental Protection, or North Central Florida Regional Planning Council.

5. Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.

6. Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.

7. Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.

8. A mitigation and monitoring plan.


(d) Use of Assessment

The County shall review and evaluate the natural and historic resources assessment to determine whether the proposal is consistent with the Comprehensive Plan and ULDC and to identify appropriate site designs and strategies that maintain and protect the functions and values of natural and historic resources.

406.05 Relation to Other Approval Processes

(a) Federal, State, and Water Management District

An applicant for any approval subject to this ULDC shall provide to Alachua County copies of permit applications, approvals, and compliance and enforcement issues,
with water management districts and state and federal environmental permitting agencies. Applicants are encouraged to coordinate site inspections between the
County and other relevant agencies in order to streamline review and approval.
Upon request by the County, an agricultural or silvicultural operation shall provide copies of permit applications, notice of intent of BMP implementation, approvals,
and compliance with water management district, state and federal environmental permitting agencies. Ongoing agriculture and silviculture farming operations that are
not part of a development application and that meet the provisions and criteria
pursuant to F.S. Chapter 163.3162, the Agricultural Lands and Practices Act, or F.S.
823.14(6), the Right to Farm Act, shall be exempt from any provisions of this
Chapter that were not in existence as of July 1, 2003.

(b) Administrative Approvals
Construction shall not commence until all applicable federal, state, and water
management district permits, as well as local permits, natural and historic resource
inventories and assessments have been issued.

(c) Bona Fide Agricultural Activities
1. Best Management Practices Required
The most recent federal, state, and water management district best
management practices (BMPs) shall be required, as applicable, to all
agricultural and silvicultural activities including but not limited to the
following:

      5I-6.002, F.A.C., and available from the Florida Department of
      Agriculture and Consumer Services (FDACS).
   b. BMPs for Agrichemical Handling and Farm Equipment Maintenance
      (1998), published by FDACS and FDEP.
   c. Water Quality BMPs for Cow/Calf Operations (1999), published by the
      Florida Cattleman’s Association.
   d. Water Quality/Quantity Best Management Practices for Florida Vegetable
      and Agronomic Crops (2005), available from FDACS.
      published by the U.S. EPA.

2. Verification of Best Management Practices
Where use of best management practices provides the basis for exemption to,
or compliance with, any federal or state law or regulation, local regulation,
code, or requirement, verification may be satisfied by participation in one or
more of the following programs:

   a. Non-silvicultural Activities
   Notice of Intent filed with Department of Agriculture and Consumer
   Services as outlined in the Florida Administrative Code.

   b. Silvicultural Activities
   i. Notice of Intent filed with Division of Forestry, as outlined in Rule
      5I-6.004, Florida Administrative Code; or
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ii. Certification by one of the following:
   (a) Forest Stewardship Council (FSC, www.fscus.org)
   (b) American Forest and Paper Association’s Sustainable Forestry Initiative (SFI, www.aboutsfi.org)
   (c) American Forest Foundation’s American Tree Farm System (www.treefarmsystem.org)
   (d) Green Tag Forestry (www.greentag.org)
   (e) Forest Stewardship Program (FSP, www.foreststeward.org); or

iii. Participation in one of the following cost-share programs:
   (a) Conservation Reserve Program (CRP).
   (b) Environmental Quality Incentives Program (EQIP).
   (c) Wildlife Habitat Incentives Program (WHIP).
   (d) Forest Land Enhancement Program (FLEP).

(d) Public Projects

Public projects, including utilities, public facilities, new travel corridors, and travel corridor modifications, shall meet the same standards as private projects. In the case of a public project for which it is demonstrated that there is no prudent and feasible alternative that avoids adverse impacts to regulated natural and historic resources, the project shall incorporate appropriate design features that enhance habitat connectivity, provide for safe wildlife passage and other significant environmental benefits.

(e) Other Permits Not Determinative

The issuance of a dredge and fill permit, environmental resource permit, consumptive use permit, taking permit, or other such permit or approval by a federal or state agency, water management district, or other governing body shall not obligate Alachua County to grant approval pursuant to this chapter, and shall not be deemed to satisfy the requirements of this Chapter.

406.06 Exemptions

The following activities are allowed subject to the specific limitations, restrictions and conditions. Persons shall submit a natural resource inventory or comparable administrative notice in order to demonstrate that they qualify for exemption prior to initiating any of the following activities:

(a) Removal of Invasive Vegetation

Projects for which a plan has been approved by a federal, state, or local agency or water management district for the removal of undesirable invasive or non-native vegetation on lands owned, controlled, or managed for conservation purposes, excluding vegetation in surface waters and wetlands.

(b) Parks and Recreation

Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves.
(c) **Activities Authorized by County Approved Management Plan**

Activities consistent with a management plan adopted by, or reviewed and approved by Alachua County, provided that the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences.

(d) **Existing Utility Installations and Road Right-of-Way**

Alteration of vegetation within an existing utility easement post installation, where the vegetation is interfering with services provided by a utility or alteration of vegetation within an existing road right-of-way for normal maintenance activities. Alteration associated with new construction, or with the acquisition or transfer of easements or right-of-way, is not an exempt activity.

(e) **Fencing**

The minimal removal of trees or understory necessary to install a fence or wall, provided that no regulated tree is removed, the path cleared for the fence does not exceed ten feet in width, no equipment heavier than a one-ton pick-up truck, hand-held outdoor power equipment or a standard farm tractor is used in clearing for the fence or installing the fence, no dredge or fill activity is required other than the installation of posts and fence materials, and navigational access will not be impaired by the fence construction. Notwithstanding the above, the installation of farm fencing is exempt pursuant to §604.50, Florida Statutes.

(f) **Survey or Other Test Required**

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no regulated tree is removed and the path cleared does not exceed five feet in width.

(g) **Miscellaneous**

Those other projects for which the Alachua County Environmental Protection Department determines, in writing, that there will be no significant adverse impacts based on the factors and criteria set forth in this Chapter.

### 406.07 Recapture Prior to Submitting an Application

Regulated natural and historic resources that have been cleared after May 2, 2005 and within three (3) years prior to the submittal of a development plan, rezoning or land use change application shall be required to restore or mitigate that portion of the parcel that would have otherwise required protection in accordance with the standards of this Chapter.

### 406.08 Alternative Compliance for Natural or Historic Resources

An applicant may submit a proposal which varies from the strict application of the requirements of this Chapter to accommodate an extraordinary hardship or to utilize innovative design. Requests for alternative compliance from any natural or historic resource provision shall be decided by the body responsible for reviewing a proposed development.

(a) **Extraordinary Hardship**

The applicant shall have the burden of demonstrating the existence of an extraordinary hardship due to unique site characteristics and the reasons for alternative compliance. The application shall set forth facts demonstrating each of the following:
1. Inability to establish a reasonable economic use that is not the result of actions taken by the applicant in a way that makes the property unable to be developed. Diminished value or inconvenience is not considered extraordinary hardship.

2. There are no feasible onsite alternatives to the proposal. Feasible onsite alternatives include, but are not limited to:
   a. Reduction in density or intensity;
   b. Reduction in scope or size;
   c. Change in timing, phasing, or implementation; or
   d. Layout revision or other innovative site design considerations.

(b) Innovative Designs

The applicant shall have the burden of demonstrating that an innovative site design may be utilized that better protects the natural resources for alternative compliance. The application shall set forth facts demonstrating that the proposed innovative design can be shown to protect natural resources and will not jeopardize the ecological integrity of natural resources on or adjacent to the proposed property.

(c) Granting a Request for Alternative Compliance

1. Where granted, the alternative compliance shall be the minimum deviation from the requirements necessary to permit reasonable use or access.

2. Mitigation may be required as a condition of granting the alternative compliance.

3. An alternative compliance plan shall be approved only upon a finding that it fulfills the intents and purposes of the Alachua County Comprehensive Plan and of this Chapter as well as or more effectively than would adherence to the strict application of this Chapter.
Article 2 Trees and Native Vegetation

406.09 Purpose
The purpose of this Article is to implement policies contained in the Alachua County Comprehensive Plan to preserve, protect, and encourage the proliferation of trees and native vegetative cover within Alachua County, as well as relocation or replacement where necessary, and to control and eliminate invasive non-native species. Protection of trees and native vegetation is intended to promote carbon dioxide absorption, oxygen production, dust filtration, reduction of wind, noise, and glare, soil stabilization and enrichment, erosion prevention, surface drainage improvement and aquifer recharge, water pollution reduction, wildlife habitat, energy conservation, temperature moderation, the economic enhancement of improved and vacant lands, scenic beauty, quality of life, and the health, safety, welfare and well-being of the community.

406.10 Applicability
(a) Regulated trees include Champion trees, Heritage trees, woody native tree species 8" or more in diameter at breast height (dbh), specimen trees and those small specimen trees identified on Table 406.16.1 that are of significant value to the natural system. Additional requirements are included in other portions of this ULDC, including but not limited to the special area studies, activity centers and special planning districts in Chapter 405 and for single family lots 2 acres or less.

(b) Except as specifically provided in this Chapter, all land clearing and regulated tree removal in all land uses and zoning districts shall be prohibited without prior approval.

(c) Regulated trees shall not be removed after the issuance of a certificate of occupancy without securing another permit.

(d) Existing native vegetation on a development site shall be protected in accordance with the following requirements in this ULDC:
1. Provision of Open Space in accordance with Article 5 of Chapter 407;
2. Protection of Significant Plant and Wildlife Habitat in accordance with Article 3 of this Chapter;
3. Protection of all other Conservation and Preservation areas as identified in this Chapter; and
4. Protections required by an adopted special area plan as identified in Chapter 405 of this ULDC.

(e) The planting of non-native vegetation listed in F.A.C. 5B-64.011, Prohibited Aquatic Plants, and F.A.C. Rule 5B-57.007, Noxious Weed List, shall be prohibited. The planting of non-native vegetation listed in Table 406.16.2 shall be discouraged. The removal or control of all non-native invasive species shall be encouraged where not required by this Section.

(f) For the purposes of this Section, a qualified professional includes a landscape architect, or environmental professional, or arborist.

406.11 Exemptions
(a) Residential Lots Two Acres or Less
Residential lots two acres or less in gross size shall be exempt from the provisions of this Article, provided that no champion or heritage trees shall be removed. All regulated trees and native vegetation identified for protection on lots subject to a
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Article 2. Trees and Native Vegetation

previously approved development plan, plat, special area study, or preservation buffer overlay shall be retained.

(b) Agricultural and Silvicultural Activities

For purposes of this Section, clearing and replanting or reestablishment of vegetation for bona fide agricultural purposes (including bona fide forestry) shall be exempt subject to the following provisions:

1. Activities shall be conducted in accordance with all applicable federal, state, and water management district best management practices, and verified in accordance with §406.05(c).

2. Permit exemption shall not apply to the following:
   a. The removal of champion trees.
   b. For bona fide agricultural purposes other than forestry, the removal of heritage trees within 50 feet of property ownership boundaries or within 100 feet of all publicly owned parks.

(c) Development Plan Exemptions

Utility Scale (>5 megawatt) solar facilities, rural/ag unpaved subdivisions, and family homestead subdivisions shall be exempt from the requirements of 406.12(a)(4) and 407.41(n) that require 30 percent of the site to be under mature canopy in 20 years.

406.12 Permitting

A tree removal permit is required for the removal of trees and alteration of associated native vegetation as set forth below.

(a) Development Applications

All development applications including those for single-family residences on lots greater than two acres shall be subject to the permit conditions for tree removal set forth below.

1. Applicants for development plans shall be required to have a pre-design on-site meeting with the County Forester/Landscape Inspector, Codes Enforcement Director, or their designee, to locate any regulated trees and to discuss protection methods for retention or relocation.

2. Removal or eradication of prohibited and discouraged non-native vegetation, identified in §406.10(e) shall be completed for the entire parcel concurrent with the permitted tree removal and prior to final inspection unless a phasing plan has been approved in writing by the County. This requirement shall not apply for an application involving one single-family residence.

3. Development plans and subdivision plats shall be designed such that a minimum of 20 percent of the tree canopy shown on the most recent aerials of the property available at the time of the application is retained. Traditional Neighborhood, Transit Oriented Developments and Cottage Neighborhoods shall be designed such that a minimum of 5 percent of the tree canopy shown on the most recent aerials of the property available at the time of application is retained.

4. Development plans shall be designed such that 30 percent or more of the site will be under mature canopy within 20 years. For the purposes of
demonstrating this canopy coverage, a residential development may count up to 400 square feet of canopy coverage per platted lot where it can be demonstrated that a homeowner’s association will require the planting and maintenance of trees on lots. In such case, the development plan shall include a list of trees that may be planted to satisfy the requirement.

5. Development plans shall incorporate each regulated tree and associated native vegetation within the area of the drip line in its original location to the greatest extent possible. In creating a plan to minimize the removal of regulated trees and associated native vegetation, consideration shall be given to preserving non-invasive trees that exhibit the following characteristics.

a. Are located within regulated natural resource areas or significant habitat which may be protected as conservation management areas.

b. Help to create, provide, or extend connectivity or linkages to other natural areas in the form of tree and vegetation corridors.

c. Are champion, heritage, specimen trees, or small specimen trees listed in Table 406.16.1.

d. Exist in natural groupings.

e. Complement the project design including enhancement of the architecture, landscape architecture, and streetscape appearance.

f. Are located in required buffer areas.

g. Screen unpleasant views or augment desirable views.

h. Provide shade to structures, areas, or activities within or associated with the lot.

i. Complement stormwater design.

j. Are disease and insect resistant.

k. Have strong branching and root patterns.

(b) Additional Permit Conditions

A tree removal permit may also be issued for the removal of regulated trees in the following circumstances, provided the County determines that there will be no significant adverse environmental impacts.

1. Tree is under attack from an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to trees not so infested.

2. Tree constitutes an immediate safety hazard, either to persons or to domestic animals, or to buildings, or to other constructions, or to motor, or bicycle, or pedestrian traffic.

3. Tree that, by the normal growth of its branches or roots, is causing progressive damage to buildings or structures, where no reasonable correction or prevention is available other than removal.

(c) Application Requirements

At the time of permit application, and prior to any land clearing or alteration, all applicants for a tree removal permit shall submit information necessary to fully understand the extent, nature and potential impacts of the proposed project.
1. **Permit Applications**
   The following information shall be required for all permit applications involving the removal of regulated trees:
   
a. A completed application signed by the parcel owner or legally authorized agent of the parcel owner, including the name, address and telephone number of the property owner and of the applicant, if other than the property owner.
   
b. Parcel information including street address, parcel number, and location map as necessary.
   
c. Description of project, identification of location and extent of all areas proposed for tree removal or clearing of areas of associated native vegetation, including offsite areas such as water, sewer or utility easements, and methods to be used for removal.

2. **Development Plan Approval**
   In addition to the common application requirements in Article 2, Common Development Application Elements, Chapter 402, the following information shall be required with applications for development plan approval:
   
a. A recent aerial photograph with the parcel clearly delineated, and representative color photographs;
   
b. A certified development plan or survey, where applicable, showing all easements (both plan view and cross-sectional view sketches may be required);
   
c. Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project;
   
d. A vegetation plan which graphically depicts the location and field tag number for each native tree to remain undisturbed on the parcel during construction; the vegetation plan may also be required to be incorporated as a feature of a development plan;
   
e. A numbered tabular list of all regulated native trees surveyed by a licensed landscape architect, or arborist, or similarly qualified professional, indicating the species of tree, the diameter at breast height, and whether the parcel owner proposes to keep the tree in place, relocate it, remove it or mitigate for its removal; and
   
f. Location, extent, and calculation of the initial tree canopy based on aerial photographs, survey data, or other acceptable methods approved by the County; Evaluation by a qualified professional as to the health of trees and native vegetation and their ability to provide long-term benefits, i.e. 20 year shade requirements.

(d) **Physical Protection during Construction**

1. **Undisturbed Area**
   The area to be protected shall be equal to the area of the drip line of the tree.

2. **Reduction of Minimum Undisturbed Area**
   Where the applicant demonstrates sufficient protection, the required minimum undisturbed area may be reduced with County approval, taking into
consideration the type of activity, and the species, health, and location of trees and native vegetation within the landscape.

3. **Barrier Placement and Usage**
   a. Any required protection area within 50 feet of any construction activity or area used for storage of construction materials shall be enclosed within a protective barrier to limit access to the protected area, prevent the compaction of soil and the destruction or damage of the trees.
   b. Prior to any construction activity, the installation of the barriers shall be approved by the County Forester/Landscape Inspector.
   c. The protective barriers shall not be relocated without the approval of the County Forester/Landscape Inspector.
   d. The protective barriers shall remain in place and intact until construction is completed.

4. **Barrier Construction**
   a. The posts shall be wood posts, angle iron fence posts, or other post material of equivalent size and strength.
   b. The posts shall be placed not more than twelve feet apart, and implanted deeply enough in the ground to be stable with at least three feet of the post visible above the ground.
   c. The posts shall be linked together by a brightly colored net fence fabric.
   d. The barrier shall not be located in such a way as to cause harm to the protected vegetation.

5. **Alternative Fencing Requirement**
   The County may require alternative fencing materials, such as chain link fencing, on a case by case basis where additional protection is necessary due to intensity of construction activity, vulnerability of trees or native vegetation to be protected, or similar circumstance.

6. **Restrictions within the Undisturbed Areas**
   a. All construction activities shall be prohibited within the undisturbed area including all digging, trenching, construction lay-down areas, placement of hazardous materials, including fuels and solvents, placement of fill or soils, and parking of construction vehicles or employee vehicles.
   b. No attachments or wires other than those of a protective and non damaging nature shall be attached to any tree.
   c. No grade changes shall be made within any undisturbed area without prior approval of the County Forester/Landscape Inspector. If a grade change is made and roots larger than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil.
   d. Landscape preparation in the undisturbed area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two inches unless specifically approved otherwise by the County Forester/Landscape Inspector. Landscaping shall be limited to placement of sod, mulch, or other ground covers.
7. **Repair of Damage**

Trees that have been destroyed or received major damage during construction shall be replaced prior to the issuance of the Certificate of Occupancy, in accordance with §406.15.

(e) **Removal for Protection of Health, Safety and Welfare**

For the immediate protection of the health, safety, or welfare of the public, trees may be removed by a utility or other public entity without obtaining a permit in advance. However, the property owner or its authorized agent must file a permit application during the next work day. Permit approval shall be granted, provided the trees removed are mitigated in accordance with this ULDC.

**406.13 Relocation, Replacement and Mitigation Required**

Relocation, replacement, or mitigation shall be required for the alteration of regulated trees as set forth below.

(a) **Relocation**

1. The preferred response to alteration of regulated trees shall be on-site relocation.

2. A regulated tree may be relocated in a manner to ensure survivability if there is no reasonable alternative that allows incorporation of the tree into the parcel design, as determined by the project’s landscape architect in consultation with the County Forester/Landscape Inspector.

3. The parcel owner shall provide irrigation, mulch, and other practical means to ensure survival of any relocated tree. If a relocated tree does not survive within a period of two years, it shall be replaced with a native tree of similar size.

(b) **Mitigation by Replacement**

1. If a regulated heritage tree cannot be retained or relocated, the parcel owner shall install replacement subject to the following.

2. Replacement of regulated trees greater than or equal to 20 inches diameter at four and a half feet above ground level, other than laurel oaks and water oaks, shall be replaced with native trees with cumulative diameter of stems greater than or equal to the diameter of the tree being replaced. At the determination of the County Forester/Landscape Inspector, replacement trees for heritage trees found to be of suboptimal health, habit or condition, or for the abundant species of loblolly pine, slash pine and sweetgum, may not be required on an inch-for-inch basis but shall be at a replacement ratio of no less than 1:1 using preferred native species. Laurel oaks and water oaks greater than 20 inches shall be replaced at a ratio of 1:1 using preferred native species.

3. Replacement trees shall be at least 10 feet in height, two caliper inches and shall consist of native vegetation, indigenous to the area, and be Florida Grade No 1 or better in quality according to the current, most recent edition of “Grades and Standards for Nursery Plants”, 2nd edition, published by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and available from the Florida Nursery, Growers, and Landscape Association (FNGLA). Nursery invoices or labels shall clearly specify that Grade #1 or better were purchased and installed on the site.
4. At least 50 percent of the trees planted as mitigation for the removal of native heritage trees shall be the same species as the trees removed, provided that the mitigation tree is locally available. Where species removed are deemed problematic, such as water oaks, laurel oaks, and loblolly pines, they may be replaced by preferred native species.

5. Native trees identified in §407.50 of this ULDC that are planted to meet the requirements for landscaping in Article 4 of Chapter 407 may count toward mitigation requirements for tree replacement.

6. If on-site planting is not feasible due to physical constraints such as limited space or unsuitable soils, off-site replacement may be allowed on public lands, within common areas or native upland areas.

7. Monitoring time frames shall be established for mitigation and replacement trees, as needed.

(c) Mitigation by Fee in Lieu Payment

1. If relocation or mitigation by replacement are not feasible, a fee may be paid to Alachua County in lieu of replacement planting.

2. Replacement trees may be satisfied by a fee-in-lieu payment to the County for the purchase and relocation of a like tree. The payment amount shall be based on the average cost of the purchase, installation, and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting regulated trees.

406.14 RESERVED

406.15 Unauthorized Removal

When regulated trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate identified in §406.13 for heritage trees, and at the rate shown below in Table 406.15.1 for all other regulated trees.

<table>
<thead>
<tr>
<th>Diameter at Breast Height</th>
<th>Number of Replacement Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt;17 inches to 20 inches</td>
<td>6</td>
</tr>
<tr>
<td>&gt;14 inches to 17 inches</td>
<td>5</td>
</tr>
<tr>
<td>&gt;11 inches to 14 inches</td>
<td>4</td>
</tr>
<tr>
<td>&gt;8 inches to 11 inches</td>
<td>3</td>
</tr>
<tr>
<td>Less than 8 inches</td>
<td>2</td>
</tr>
</tbody>
</table>

406.16 Tree Lists

(a) Small Specimen Tree List

The list of trees identified in Table 406.16.1 includes those small specimen trees identified by the County to be of notable interest or high value for their species because of their age, size, condition, historic association or uniqueness. As part of the development review process, protection of these species through preservation or relocation will be determined on a tree-by-tree basis by the County Forester/Landscape Inspector.
(b) Discouraged Non-Native Vegetation List

The list of non-native vegetation identified in Table 406.16.2 includes those species for which planting is discouraged in addition to the prohibited species identified in §406.10(e).
### Table 406.16.1
Small Specimen Tree List

<table>
<thead>
<tr>
<th>Latin Name</th>
<th>Common Name</th>
<th>Latin Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer negundo</td>
<td>boxelder</td>
<td>Morus rubra</td>
<td>red mulberry</td>
</tr>
<tr>
<td>Acer saccharum subsp. floridanum</td>
<td>Florida sugar maple</td>
<td>Myrica cerifera</td>
<td>wax myrtle</td>
</tr>
<tr>
<td>Aesculus pavia</td>
<td>red buckeye</td>
<td>Nyssa ogeeche</td>
<td>ogeechee tupelo</td>
</tr>
<tr>
<td>Alnus serrulata</td>
<td>hazel alder</td>
<td>Osmanthus americanus</td>
<td>devilwood</td>
</tr>
<tr>
<td>Aralia spinosa</td>
<td>devil's-walkingstick</td>
<td>Ostrya virginiana</td>
<td>eastern hop hornbeam</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>river birch</td>
<td>Persea borbonia var. humilis</td>
<td>silk bay</td>
</tr>
<tr>
<td>Carpinus caroliniana</td>
<td>ironwood; blue beech</td>
<td>Planera aquatica</td>
<td>planer tree</td>
</tr>
<tr>
<td>Castanea pumila</td>
<td>chinquapin</td>
<td>Prunus americana</td>
<td>American plum</td>
</tr>
<tr>
<td>Catalpa bignonioides</td>
<td>southern catalpa</td>
<td>Prunus angustifolia</td>
<td>Chickasaw plum</td>
</tr>
<tr>
<td>Cephalanthus occidentalis</td>
<td>buttonbush</td>
<td>Prunus caroliniana</td>
<td>laurel cherry</td>
</tr>
<tr>
<td>Cercis canadensis</td>
<td>redbud</td>
<td>Prunus umbellata</td>
<td>flatwoods plum</td>
</tr>
<tr>
<td>Chionanthus virginicus</td>
<td>fringe tree</td>
<td>Ptelea trifoliata</td>
<td>common hoptree</td>
</tr>
<tr>
<td>Cliftonia monophyllis</td>
<td>black titi</td>
<td>Quercus chapmanii</td>
<td>Chapman oak</td>
</tr>
<tr>
<td>Cornus asperifolia</td>
<td>roughleaf dogwood</td>
<td>Quercus incana</td>
<td>bluejack oak</td>
</tr>
<tr>
<td>Cornus florida</td>
<td>flowering dogwood</td>
<td>Quercus leavis</td>
<td>turkey oak</td>
</tr>
<tr>
<td>Cornus foemina</td>
<td>swamp dogwood</td>
<td>Quercus margaretta</td>
<td>sand post oak</td>
</tr>
<tr>
<td>Crataegus aestivalis</td>
<td>may haw</td>
<td>Quercus myrtifolia</td>
<td>myrtle oak</td>
</tr>
<tr>
<td>Crataegus crus-galli</td>
<td>cockspur hawthorn</td>
<td>Rhamnus caroliniana</td>
<td>Carolina buckthorn</td>
</tr>
<tr>
<td>Crataegus flav</td>
<td>yellowleaf hawthorn</td>
<td>Rhus copallinum</td>
<td>winged sumac</td>
</tr>
<tr>
<td>Crataegus marshallii</td>
<td>parsley hawthorn</td>
<td>Salix caroliniana</td>
<td>coastal plain willow</td>
</tr>
<tr>
<td>Crataegus michauxii</td>
<td>Michaux's hawthorn</td>
<td>Salix floridana</td>
<td>Florida willow</td>
</tr>
<tr>
<td>Crataegus uniflora</td>
<td>dwarf hawthorn</td>
<td>Salix nigra</td>
<td>black willow</td>
</tr>
<tr>
<td>Crataegus viridis</td>
<td>green hawthorn</td>
<td>Sambucus nigra subsp. canadensis</td>
<td>elderberry</td>
</tr>
<tr>
<td>Cyrilula racemiflora</td>
<td>red titi</td>
<td>Sapindus saponaria</td>
<td>Florida soap berry</td>
</tr>
<tr>
<td>Diospyros virginiana</td>
<td>persimmon</td>
<td>Sassafras albidum</td>
<td>sassafras</td>
</tr>
<tr>
<td>Forestiera acuminata</td>
<td>swamp privet</td>
<td>Sideroxylon alachuenense</td>
<td>silver buck thorn</td>
</tr>
<tr>
<td>Fraxinus caroliniana</td>
<td>Carolina ash; pop ash</td>
<td>Sideroxylon lanuginosum</td>
<td>gum bumelia</td>
</tr>
<tr>
<td>Gleditsia aquatica</td>
<td>water locust</td>
<td>Sideroxylon lycoide</td>
<td>buck thorn bully</td>
</tr>
<tr>
<td>Halesia carolina</td>
<td>Carolina silverbell</td>
<td>Sideroxylon tenax</td>
<td>tough bumelia</td>
</tr>
<tr>
<td>Hamamelis virginiana</td>
<td>witch-hazel</td>
<td>Styx americanus</td>
<td>American snowball</td>
</tr>
<tr>
<td>Ilex ambiguia</td>
<td>Carolina holly</td>
<td>Symlocos tinctoria</td>
<td>horse sugar/sweet leaf</td>
</tr>
<tr>
<td>Ilex cassine</td>
<td>dahoon</td>
<td>Tilia americana var. caroliniana</td>
<td>basswood</td>
</tr>
<tr>
<td>Ilex cassine var. myrtifolia</td>
<td>myrtle-leaved holly</td>
<td>Vaccinium arboresum</td>
<td>sparkleberry</td>
</tr>
<tr>
<td>Ilex coriacea</td>
<td>large gallberry</td>
<td>Viburnum nudum</td>
<td>possum haw viburnum</td>
</tr>
<tr>
<td>Ilex decidua</td>
<td>possum haw</td>
<td>Viburnum obovatum</td>
<td>Walter's viburnum</td>
</tr>
<tr>
<td>Ilex opaca var. arenicola</td>
<td>American holly</td>
<td>Viburnum rufidulum</td>
<td>rusty black haw</td>
</tr>
<tr>
<td>Ilex vomitoria</td>
<td>yaupon</td>
<td>Zanthoxylum clava-herculis</td>
<td>Hercules club</td>
</tr>
<tr>
<td>Lyonia ferruginea</td>
<td>tree lyonia</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Table 406.16.2
## Discouraged Non-Native Vegetation List

<table>
<thead>
<tr>
<th>Latin Name</th>
<th>Common Name</th>
<th>Latin Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abrus precatorius</td>
<td>rosary pea</td>
<td>Macfadyena unguis-cati</td>
<td>catclaw vine</td>
</tr>
<tr>
<td>Albizia julibrissin</td>
<td>silktree; mimosa</td>
<td>Melia azedarach</td>
<td>chinaberry tree</td>
</tr>
<tr>
<td>Albizia lebbeck</td>
<td>woman’s tongue</td>
<td>Merremia dissecta</td>
<td>cutleaf morning glory;</td>
</tr>
<tr>
<td>Aleurites fordii</td>
<td>tungoil tree; tung tree</td>
<td>Morus alba</td>
<td>white mulberry</td>
</tr>
<tr>
<td>Anredera vesicaria (A. leptostachys)</td>
<td>Texas medeira vine</td>
<td>Nandina domestica</td>
<td>sacred bamboo; heavenly bamboo</td>
</tr>
<tr>
<td>Antigonon leptopus</td>
<td>coral vine</td>
<td>Nephrolepis cordifolia</td>
<td>tuberous sword fern</td>
</tr>
<tr>
<td>Aristolochia littoralis</td>
<td>elegant Dutchman’s-pipe</td>
<td>Oeceoclades maculata</td>
<td>monk orchid</td>
</tr>
<tr>
<td>Asparagus densiflorus</td>
<td>Sprenger’s asparagus-fern</td>
<td>Panicum repens</td>
<td>torpedograss</td>
</tr>
<tr>
<td>Begonia cucullata</td>
<td>wax begonia</td>
<td>Pennisetum purpureum</td>
<td>elephantgrass</td>
</tr>
<tr>
<td>Broussonetia papyrifera</td>
<td>paper mulberry</td>
<td>Pteris vittata</td>
<td>Chinese ladder brake</td>
</tr>
<tr>
<td>Cinnamomum camphora</td>
<td>camphor tree</td>
<td>Rhynchelytrum repens</td>
<td>rose natalgrass</td>
</tr>
<tr>
<td>Clematis terniflora</td>
<td>sweet autumn virginsbower</td>
<td>Ricinus communis</td>
<td>castorbean</td>
</tr>
<tr>
<td>Clerodendrum bungei</td>
<td>rose glorybower</td>
<td>Ruellia brittoniana (R. tweediana in Wunderlin)</td>
<td>Mexican bluebell</td>
</tr>
<tr>
<td>Colocasia esculenta</td>
<td>wild taro; dasheen</td>
<td>Sansevieria hyacinthoides (syn. = S. trifasciata)</td>
<td>bowstring hemp; mother-in-law tongue</td>
</tr>
<tr>
<td>Cyperus involucratus (C. alternifolius)</td>
<td>umbrella plant</td>
<td>Senna pendula (syn. = Cassia coluteoides)</td>
<td>valamuerto; Bahama or Christmas senna</td>
</tr>
<tr>
<td>Cyperus prolifer</td>
<td>flattened</td>
<td>Sesbania punicea</td>
<td>rattlebox</td>
</tr>
<tr>
<td>Eleagnus pungens</td>
<td>silverthorn</td>
<td>Solanum diphylum</td>
<td>twolive nightshade</td>
</tr>
<tr>
<td>Eriobotrya japonica</td>
<td>loquat</td>
<td>Syngonium podophyllum</td>
<td>American evergreen</td>
</tr>
<tr>
<td>Hedera helix</td>
<td>English ivy</td>
<td>Tradescantia fluminensis</td>
<td>basketplant; white-flowered wanderingjew</td>
</tr>
<tr>
<td>Ipomoea cairica</td>
<td>mile-a-minute vine</td>
<td>Urena lobata</td>
<td>Caesarweed</td>
</tr>
<tr>
<td>Koelreuteria elegans (K. formosana; K. paniculata misapplied)</td>
<td>flamegold; golden raintree</td>
<td>Urochloa mutica (syn. = Brachiaria mutica)</td>
<td>paragrass</td>
</tr>
<tr>
<td>Lantana camara</td>
<td>lantana; shrub verbena</td>
<td>Wedelia trilobata</td>
<td>creeping oxeye</td>
</tr>
<tr>
<td>Leucaena leucocephala</td>
<td>white leadtree</td>
<td>Wisteria sinensis</td>
<td>Chinese wisteria</td>
</tr>
<tr>
<td>Ligustrum lucidum</td>
<td>glossy privet</td>
<td>Xanthosoma sagittifolium</td>
<td>arrowleaf</td>
</tr>
<tr>
<td>Livistonia chinensis</td>
<td>Chinese fan palm</td>
<td></td>
<td>elephantear</td>
</tr>
<tr>
<td>Lonicera japonica</td>
<td>Japanese honeysuckle</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Article 3  Significant Plant and Wildlife Habitat

406.17  Purpose
The purpose of this Section is to implement the Alachua County Comprehensive Plan, to protect natural upland plant communities which have the potential to maintain healthy and diverse populations of plants or wildlife, to preserve the ecological values and functions of significant plant and wildlife habitats, to provide for habitat corridors and minimize habitat fragmentation, in order to maintain and enhance the diversity and distribution of plant and animal species which are of aesthetic, ecological, economic, educational, historical, recreational, or scientific value to the county and its citizens.

406.18  Applicability
Development activities on all parcels greater than or equal to two acres in size shall be evaluated for the protection of significant habitat prior to clearing, grading, or other alteration of the habitat.

406.19  Development of Planning Parcel
Planning parcels containing significant plant and wildlife habitat or listed species habitat shall not be disaggregated, processed in piecemeal fashion, reviewed or developed in any manner that results in lesser natural resources protections than would otherwise be required if all land under common ownership or control were considered as a single proposal. To this end, where development or alteration of only a part of a planning parcel is proposed, the following shall be required:

(a)  The applicant shall provide documentation identifying all contiguous properties within Alachua County not separated by a public road that are under common ownership or control extending to the more recent of either May 2, 2005, or five years before submittal of the application.

(b)  A detailed natural resources assessment shall be provided for the proposed project area pursuant to §406.04. Regulated natural and historic resources shall be inventoried using the best available data for the remainder of the planning parcel, and all significant plant and wildlife habitat and listed species habitat shall be identified in accordance with §406.20.

(c)  Where regulated significant habitat or listed species habitat is identified, in order to proceed, the applicant must demonstrate that the proposed project does not result in lesser protection than would otherwise be required if the entire planning parcel were considered as a single proposal. If the applicant cannot demonstrate such protection, they must complete one of the following:

1. A master plan shall be completed for the planning parcel subject to approval by the Development Review Committee. The resource master plan shall identify the location of significant habitat and listed species habitat including both the area set aside for permanent protection and any remaining habitat area subject to minimization requirements, and shall include a signed affidavit from each property owner within the planning parcel identifying their willingness to participate in the master plan process; or

2. If any property owner within the planning parcel is unwilling to participate in the master plan process, a special area plan shall be authorized by the Board
of County Commissioners, initiated either by the applicant or the County, subject to the requirements of Article 16 of Chapter 402 of this ULDC.

(d) Each application submitted subsequent to an approved master plan or special area plan shall provide for significant habitat and listed species habitat protection that is either consistent with, or greater than, the protection afforded under the approved plan.

### 406.20 Identification

(a) Site-specific Identification

1. The County shall review and analyze applications using various digital data sources, including but not limited to the following:
   a. Florida Fish and Wildlife Conservation Commission maps of land cover, strategic habitat conservation areas, and biodiversity hot spots.
   b. Florida Natural Areas Inventory maps of areas of potential conservation interest and element occurrences.
   c. Water Management District land cover maps.
   d. Various digital aerial photographic series.

2. Where map review indicates the likelihood of impact to significant habitat, ground-truthing shall be required in accordance with §406.20(c) in order to identify the existence, scope and extent of significant habitat associated with the application. If map review indicates the likelihood of listed species habitat, the requirements of Article 4 of this Chapter shall apply.

3. Significant habitat shall be delineated based on consideration and assessment of at least the following factors:
   a. Quality of native ecosystem.
   b. Overall quality of biological diversity.
   c. Wildlife habitat value.
   d. Presence of listed or uncommon species.
   e. Grouping, contiguity, compactness of native vegetation.
   f. Proximity to other natural preserve areas and corridors.
   g. Impact by prohibited and invasive non-native vegetation.

(b) Applications for Administrative Permits

At the applicant’s request, the County shall conduct a habitat survey for administrative applications involving significant habitat. The applicant shall not be required to submit a habitat survey where: the habitat is readily observable in the field and may be sufficiently delineated by County staff, impact to significant habitat is avoided and minimized, management can be provided without further study, and a habitat survey is not otherwise required under federal or state law.

(c) Habitat Survey

1. When survey is required

   A habitat survey shall be required prior to vegetation removal on any portion of a planning parcel for which development plan approval is sought, where either direct or indirect impact to significant habitat is known or reasonably likely to occur.
Chapter 406. Natural and Historic Resources Protections

Article 3. Significant Plant and Wildlife Habitat

2. Pre-application conference

Applicants are encouraged to arrange a pre-application conference with County staff prior to undertaking a habitat survey, and are required to arrange a pre-application conference prior to submittal of an application where adverse impact to significant habitat is likely.

3. Professional standards and methodology

The habitat survey shall be conducted in accordance with the requirements for a natural resources assessment under §406.04 and must also meet the following standards:

a. Non-destructive techniques designed to minimize disturbance of species shall be required, except where destructive or disruptive techniques (such as capture studies) are the preferred means to document species use given the size of the site and complexity of the resource.

b. The survey shall include detailed descriptions and maps indicating:
   i. Field methods, conditions, dates, times of day, observations and results.
   ii. Transect locations, where applicable.
   iii. Habitats or natural communities as field checked across the site.
   iv. Representative color photographs taken at ground level.
   v. Recent aerial photographs.
   vi. Actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.
   vii. Professional opinions and conclusions regarding ecological value of the site.

4. County Verification

The County shall be notified of the schedule for significant fieldwork and allowed the opportunity to observe or independently verify survey techniques. Results may be field verified by the County.

406.21 Required Protection

(a) Onsite Habitat Protection and Set-Aside Limitations

No more than 25 percent of the upland portion of a parcel may be required to be protected because it is or includes significant habitat unless the landowner provides consent, or state or federal agencies require additional protection. This provision shall be applied as follows:

1. If any significant geologic features and associated buffers, wetland buffers or surface water buffers on the planning parcel are included in the 25 percent calculation; such features and buffers shall be established in accordance with the applicable provisions of this Chapter and may exceed 25 percent of the upland portion of the parcel.

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ADOPTED AS ORD. 12-09
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2. If the significant habitat in combination with any of the features identified in §406.21(a)1 equal less than 25 percent of the planning parcel, the entire significant habitat shall be protected.

3. The County shall work with the applicant to select that portion of the significant habitat that will be included in the set-aside area, based on the limitations and factors identified above and in accordance with criteria in §406.97, Site Selection and Design for Conservation Management Areas.

4. Where the significant habitat alone or in combination with the features identified in §406.21(a)1 is greater than 25 percent of the upland portion of the planning parcel, no additional upland set-aside of the significant habitat area shall be required. However, the County shall encourage the applicant to protect the significant habitat on the planning parcel through creative and flexible approaches to development of the property.

(b) Boundaries of Protected Significant Habitat

If a master plan or special area plan is not required, the boundaries of the protected significant habitat shall be designated in a certified survey submitted to the County for approval prior to issuance of the development order. Significant habitat shall be permanently protected and managed in accordance with the standards in Article 17 of this Chapter for Conservation Management Areas.

406.22 Alternatives to Onsite Habitat Protection

(a) When Considered

Alternatives to onsite habitat protection may be considered in the following circumstances:

1. When physical constraints of the parcel preclude maintenance of ecological integrity of preserved vegetation, given considerations as to size of the development site, habitat quality, connectivity, adjacent uses, and feasibility of management;

2. When opportunities exist for long-term protection and management of significant habitat of equal or greater habitat value than would not have otherwise been protected; or

3. When establishment of conservation management areas within a project would result in small, fragmented areas with limited habitat value compared to available alternatives.

(b) Standards

If protection of the existing significant habitat area is not feasible due to one of the circumstances identified in this Section, an applicant may pursue one of the following options:

1. The applicant may relocate existing vegetation to another portion of the site or establish a new area of native vegetation on another portion of the site, as part of an approved management plan in accordance with the requirements of Article 20 of this Chapter; or

2. The applicant may provide as a conservation management area at least two acres of comparable habitat area for every one acre of onsite significant habitat that would have otherwise required protection by this Chapter. The
County may consider alternative proposals that provide equal or greater protection.

3. Alternatives to onsite protection shall be evaluated by the Board of County Commissioners in accordance with the criteria of this Chapter. If listed species are determined to be on the parcel, the criteria of Article 4 of this Chapter shall also apply.

406.23 Violations

For the purposes of this Section, the alteration or removal of any significant habitat up to 500 square feet without prior review and approval may be considered a violation unless expressly exempt under this Chapter. Alteration or removal of each additional 500 square feet of significant habitat or portion thereof in violation of this Chapter may constitute a separate and additional violation.
Article 4  Listed Plant and Animal Species Habitat

406.24  Purpose
It is the purpose of this Section to implement the Alachua County Comprehensive Plan, to preserve and protect the habitat in Alachua County sufficient to maintain and enhance viable populations of plants and animals that are listed by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services, and the Florida Natural Areas Inventory because of their status as endangered, threatened, of special concern, or imperiled, to provide recently documented feeding, breeding, nesting or repetitive use areas.

406.25  Applicability
Development activities on all parcels greater than or equal to two acres in size shall be evaluated for the protection of listed species habitat prior to clearing, grading, or other alteration of the habitat. Where only a portion of a planning parcel is presented as part of an application, the planning parcel shall be evaluated in accordance with §406.19.

406.26  Identification
(a)  Listed Species Habitat
Listed plant and animal species include those species identified in 50 CFR 17.11 and 17.12, Endangered and Threatened Wildlife and Plants, F.A.C. 5B-40.0055, Regulated Plant Index, F.A.C. 68A-27, Rules Relating to Endangered or Threatened Species, and those identified as S1, S2, or S3 by the Florida Natural Areas Inventory (available at www.fnai.org). Charts of the habitats with which these species are commonly associated are maintained by the Alachua County Environmental Protection Department and are available in a variety of written and electronic formats.

(b)  Site-specific Identification
1.  The County shall review and analyze applications using various digital data sources, including but not limited to the following:
   a.  Florida Fish and Wildlife Conservation Commission maps of land cover, strategic habitat conservation areas, and biodiversity hot spots.
   b.  Florida Natural Areas Inventory maps of areas of potential conservation interest and element occurrences.
   c.  Water Management District land cover maps.
   d.  Various digital aerial photographic series.
2.  Where map review indicates the likelihood of listed species habitat, ground-truthing shall be required in accordance with §406.26(d) in order to identify the existence, scope and extent of significant habitat associated with the application.
3.  Listed species habitat shall be delineated based on consideration and assessment of at least the following factors:
   a.  Quality of native ecosystem.
   b.  Overall quality of biological diversity.
   c.  Habitat value.
d. Presence of listed species.

e. Grouping, contiguity, compactness of native vegetation.

f. Proximity to other natural preserve areas and corridors.

g. Impact by prohibited and invasive non-native vegetation.

(c) Applications for Administrative Permits

At the applicant’s request, the County shall conduct ground-truthing for administrative applications involving listed species habitat. The applicant shall not be required to submit a habitat survey where: the habitat is readily observable in the field and may be sufficiently delineated by County staff, impact to significant habitat is avoided and minimized, management and any required mitigation can be provided without further study, and a habitat survey is not otherwise required under federal or state law. When a habitat survey is not provided, presence of listed species may be presumed and habitat protected in accordance with the standards outlined in this Section, in any of the following circumstances:

1. A listed species individual has been recently documented on the planning parcel;

2. A portion of the planning parcel is within the known or suspected range of certain listed species; or

3. The land by itself, or in connection with other lands, meets the minimum habitat needs for a viable population, nesting pair, or nesting colony of listed species.

(d) Habitat Survey

1. When Survey is Required

A habitat survey shall be required prior to vegetation removal on any portion of a planning parcel for which development plan approval is sought, where either direct or indirect impact to the listed species habitat area is known or reasonably likely to occur.

2. Pre-application Conference

Applicants are encouraged to arrange a pre-application conference with County staff prior to undertaking a habitat survey, and are required to arrange a pre-application conference prior to submittal of an application where adverse impact to listed species habitat is likely.

3. Professional Standards and Methodology

The habitat survey shall be conducted in accordance with the requirements for a natural resources assessment under §406.04 and must also meet the following standards:

a. Non-destructive techniques designed to minimize disturbance of species shall be required, except where destructive or disruptive techniques (such as capture studies) are the preferred means to document species use given the size of the site and complexity of the resource.

b. The survey shall include detailed descriptions and maps indicating:

i. Field methods, conditions, dates, times of day, observations and results.
ii. Transect locations, where applicable.
iii. Habitats or natural communities as field checked across the site
iv. Representative color photographs taken at ground level.
v. Recent aerial photographs.
vi. Actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.
vii. Professional opinions and conclusions regarding ecological value of the site.

4. **County Verification**

   The County shall be notified of the schedule for significant fieldwork and allowed the opportunity to observe or independently verify survey techniques. Results may be field verified by the County.

**406.27 Management Plan**

If the habitat survey identifies the presence of listed species or listed species habitat, or potential for adverse impacts to any listed species habitat, the applicant shall submit to the County for review and approval a management plan that ensures protection of the habitat with no adverse effect on species survival. The management plan shall meet the requirements of Article 20 of this Chapter and the standards set forth in this Section.

**406.28 Intergovernmental Coordination**

Where listed species are regulated by the state or federal government, the applicant shall complete and submit to the County the habitat survey and associated management or mitigation plans prior to or concurrent with submittal of applications to the relevant state or federal agency. The County shall consult and coordinate with appropriate agencies to streamline the permitting process. All activities shall comply with applicable state and federal laws, regulations, performance standards, and management guidelines.

**406.29 Onsite Protection**

Listed species habitat shall be designated and protected onsite as a conservation management area in accordance with Article 17 of this Chapter and the following shall apply, except where onsite protection is determined to be infeasible under the criteria of §406.30:

(a) **Onsite Habitat Protection and Set-Aside Limitations**

   No more than 25 percent of the upland portion of a parcel may be required to be protected because it is or includes listed species habitat unless the landowner provides consent, or state or federal agencies require additional protection. This provision shall be applied as follows:

   1. If any significant geologic features and associated buffers, wetland buffers or surface water buffers on the planning parcel are included in the 25 percent calculation; such features and buffers shall be established in accordance with the applicable provisions of this Chapter and may exceed 25 percent of the upland portion of the parcel.
2. If the listed species habitat in combination with any of the features identified in §406.29(a)(1) is equal less than 25 percent of the planning parcel, the entire listed species habitat shall be protected.

3. The County shall work with the applicant to select that portion of the listed species habitat that will be included in the set-aside area, based on the limitations and factors identified above and in accordance with criteria in §406.97, Site Selection and Design for Conservation Management Areas.

4. Where the listed species habitat alone or in combination with the features identified in §406.29(a)(1) is greater than 25 percent of the upland portion of the planning parcel, no additional upland set-aside of the listed species habitat area shall be required. However, the County shall encourage the applicant to protect the portions of the listed species habitat outside the set-aside area through creative and flexible approaches to development of the property, subject to the density and impact limitations of §406.03(b).

(b) Conditions of Approval

Development approval conditions may limit or preclude development of structures, impervious surfaces, and other uses within an appropriate distance of locations of protected habitat, if necessary for the continued viability of the protected habitat. Depending on the type of species, the following special design standards may be required adjacent to protected listed species habitat to minimize disturbance:

1. A minimum setback of 15 feet from the protected listed species habitat may be required for construction activities. Clearing, grading, and filling may be prohibited within the setback area unless the applicant can demonstrate that vegetation within the protected area will not be damaged.

2. Landscaping within associated buffers or construction setbacks may require utilization of native vegetation that is compatible with existing native plant communities, soils, and climatic conditions.

3. Habitat corridors may be required between protected habitat areas onsite, and between protected areas on and off-site, subject to the 25 percent limitation in (a) above.

(c) Boundaries of Protected Listed Species Habitat

If a master plan, special area plan or management plan is not required, the boundaries of the protected significant habitat shall be designated in a certified survey submitted to the County for approval prior to issuance of the development order. Listed species habitat shall be permanently protected and managed in accordance with the standards in Chapter 400Article 1 of this Chapter for Conservation Management Areas.

406.30 Alternatives to Onsite Protection

(a) Circumstances for Consideration of Alternatives

1. When scientific data demonstrates that onsite protection will not be conducive to the long term health of the listed species or listed species habitat;

2. When evidence presented by the applicant demonstrates that the protected habitat would be prohibitively difficult to manage adequately due to the management requirements of the habitat; or
3. When protected areas would be less than the smallest minimum territorial requirements of identified species individuals, and cannot be connected with other protected areas which would result in sufficient territorial requirements.

(b) Protected Habitat Standards

For every one acre of onsite listed species habitat not protected through avoidance or minimization, an offsite protection area shall provide two acres of comparable habitat as a conservation management area, in accordance with the mitigation requirements of Article 21 of this Chapter. The County may consider alternative mitigation proposals which provide equal or greater protection.

(c) Relocation of Listed Species

Relocation of listed species may be permitted only as a last resort in consultation with the appropriate state or federal agency, provided that the listed individuals are relocated prior to any site modifications, in accordance with an approved development plan.

406.31 Violations

For the purposes of this Section, the alteration or removal of any listed species habitat up to 500 square feet without prior review and approval may be considered a violation unless expressly exempt under this Chapter. Alteration or removal of each additional 500 square feet of listed species habitat or portion thereof in violation of this Chapter may constitute a separate and additional violation. Requirements for corrective action are provided in §406.115.
Chapter 406. Natural and Historic Resources Protections

Article 5. Strategic Ecosystems

406.32 Purpose
The purpose of this Article is to implement the Alachua County Comprehensive Plan, to protect, conserve, enhance, and manage the ecological integrity of natural systems in Alachua County that have aesthetic, ecological, economic, educational, historical, recreational, or scientific value due to the interrelationship of one or more landscape, natural community, or species scale characteristics. It is also the purpose of this Article to promote connectivity and minimize fragmentation of natural systems, and to protect wetlands, floodplains, and associated uplands in a broad systems context through resource-based planning, including inter-jurisdictional and inter-agency coordination, across multiple parcels rather than individual parcel planning.

406.33 Identification
Strategic ecosystems are identified in the KBN/Golder Associates report, “Alachua County Ecological Inventory Project” (1996), and mapped generally by the KBN/Golder Ecological Inventory Map, which is an overlay to the Future Land Use Map, adopted and made a part of this Chapter by reference. The specific location and extent of strategic ecosystem resources shall be determined through ground-truthing using the KBN/Golder Associates report as a guide to determine the location and extent of the ecological community or communities described, generically, in the KBN/Golder report or of other natural resources generally consistent with the pertinent site summary in the KBN/Golder report. The ground-truthing process shall be implemented either as part of the development review process, or the Special Area Planning Process detailed in Article 16 of Chapter 402. Variability of community quality shall not be a basis for the delineation, but may be a basis for determining the most appropriate locations for development and conservation, respectively. Those areas found not to contain strategic ecosystem resources shall be eligible for consideration for development as part of a development plan or Special Area Plan provided the ecological integrity of the strategic ecosystem as a whole will be sufficiently protected.

406.34 Agricultural and Silvicultural Activities
The County shall work with owners of agricultural and silvicultural lands to retain the ecological integrity and ecological value of strategic ecosystems through management plans and incentives.

(a) For bona fide agricultural activities, including silvicultural activities, identification and verification of best management practices shall be required in accordance with §406.05.

(b) A management plan shall be required before any activity occurs in a strategic ecosystem that has not been used for bona fide agriculture or silviculture within the last 20 years, consistent with §406.05(a) and in accordance with one of the following:

1. The management plan shall provide for retention of the ecological integrity and ecological value of the strategic ecosystem.

2. The management plan shall be submitted to Alachua County for review and approval by staff. Management plans not meeting the general template standards of §406.112(e) will require review and approval through the development review process.

3. The management plan may be satisfied by land acquisition, conservation easement, or participation in a conservation program sponsored by the United States Department of Agriculture Natural Resources Conservation Service.
4. The management plan may be satisfied by any agricultural or silvicultural certification program’s required management plan, provided it demonstrates that the ecological integrity and value of the system is protected.

406.35 Onsite Habitat Protection and Set-Aside Limitations

No more than 50% of the upland portion of a parcel may be required to be preserved because it is or includes strategic ecosystem unless the landowner provides consent, or state or federal agencies require additional protection. This provision shall be applied as follows:

(a) Upland areas required to be protected pursuant to Comprehensive Plan policies or regulations for significant geologic features and wetland and surface water buffers shall be counted in the calculation of the 50% limitation, however the extent of protection of significant geological features and wetland and surface water buffers shall not be reduced by this limitation.

(b) If the strategic ecosystem in combination with any of the features identified in (a) above, equal less than 50 percent of the upland portion of the parcel, the entire strategic ecosystem shall be protected.

(c) The County shall work with the applicant to select that portion of the strategic ecosystem that will be included in the set-aside area, based on limitations and factors identified above and in accordance with criteria in §406.97, Site Selection and Design for Conservation Management Areas.

(d) Where the strategic ecosystem alone or in combination with the features identified in (a) above, is greater than 50 percent of the upland portion of the parcel, development densities on any portion of the strategic ecosystem outside of the set-aside area shall be governed by §406.03(b)1&2.

(e) For developments that comply with all applicable provisions of this Article, the set-aside limitations in this Section shall constitute full compliance with Conservation Element policies addressing avoidance, minimization and mitigation related to the protected resource.

(f) The County shall encourage the applicant to protect the portions of the strategic ecosystem outside of the set-aside area through creative and flexible approaches to development of the property, using the provisions of §406.38(c) for guidance.

406.36 Development Activities

The preferred planning mechanism for any new or expanded activity in, on or over a strategic ecosystem shall be a Special Area Plan. If an applicant seeks development prior to the County’s adoption of the scope of work for a Special Area Plan within a particular strategic ecosystem, the applicant has three options:

(a) For all administrative activities, the applicant may proceed through the prescreening process for administrative permits in accordance with Article 2, Common Development Application Elements, of Chapter 402, subject to the development standards in §406.38(c), where applicable.

(b) A Special Area Study or Plan may be conducted at the applicant’s expense, in accordance with Article 16 of Chapter 402. All subsequent development shall be in compliance with the adopted Special Area Plan.

(c) If the applicant demonstrates that the ecological integrity of the strategic ecosystem will be sufficiently protected, the applicant may proceed as set forth in §406.38.
Chapter 406. Natural and Historic Resources Protections

Article 5. Strategic Ecosystems

406.37 Additional Development Application Submittal Requirements

The following information shall be submitted with an application for development within a strategic ecosystem in order to evaluate whether the development may proceed before a Special Area Plan has been adopted.

(a) All information required by §406.04 as part of a natural and historic resources assessment;

(b) General analysis of adjacent properties sufficient to provide resource context;

(c) Ownership and use information, including parcel numbers and acreage, for all land under common ownership or control within the strategic ecosystem or contiguous to the proposed development site; and

(d) All proposed protection and management strategies for the natural and historic resources on the site and on any properties under common ownership and control as identified in (c) above.

406.38 Alternative to Special Area Planning in Strategic Ecosystems

As part of the development review process, County staff shall evaluate whether a proposal is sufficiently protective of the ecological integrity of the strategic ecosystem and a finding shall be made by the appropriate review body as to whether a Special Area Study shall be required in accordance with Article 16 of Chapter 402 or development may proceed in accordance with the provisions of this Section. The evaluation shall be made using the information required in §406.37 that is based on consideration of natural resource and land use characteristics specific to the system as identified by the KBN/Golder Ecological Inventory Map and through ground-truthing in accordance with §406.33.

(a) Evaluation

The evaluation shall include an assessment as to whether the proposal protects resources within the project area and within the ecosystem as a whole, according to the following:

1. Features that define the strategic ecosystem;

2. Areas critical for system connectivity; important plant or wildlife habitat areas and characteristics;

3. Feasibility of important management strategies, such as prescribed burning;

4. Protection and management of additional resources for all properties under common ownership and control within the strategic ecosystem; and

5. Density transfer opportunities in accordance with §406.03(d).

(b) Equal to or Less Than 50% Strategic Ecosystem

Where the evaluation shows that the strategic ecosystem comprises no more than 50% of the upland portion of the subject property, development will be allowed to proceed prior to adoption of a Special Area Plan.

(c) More than 50% Strategic Ecosystem

Where the evaluation shows that the strategic ecosystem comprises more than 50% of the subject property, development may be allowed to proceed prior to adoption of a Special Area Plan provided that the following development standards are applied:
1. Mechanisms to coordinate management activities with adjacent resources in the strategic ecosystem shall be provided, and management plans shall be required in accordance with Article 16 of Chapter 402.

2. Vegetation loss, grade change, and disturbance of the development site shall be minimized by careful site design fitted to the topography and soil; removal of vegetation shall be limited to only that necessary to develop the site.

3. Access, infrastructure, stormwater management and utilities shall be sited with consideration to minimizing impacts across multiple properties, providing for wildfire mitigation, and maximizing opportunities for shared facilities such as common driveways, utility access, and building impact areas.

4. Natural and historic resource protections required elsewhere in this ULDC or by federal, state and regional permitting agencies shall be applied.

5. No development or other adverse impact to the set-aside portion of the property shall be allowed, except where no other access is available, in which case impact may be allowed in the least sensitive portion of the system in accordance with paragraph 3, subject to the mitigation requirements in Article 21 of this Chapter.

6. Where impact is proposed in the remaining conservation area outside the required set-aside, the following shall apply:
   a. The applicant shall locate development on buildable area outside of the strategic ecosystem to the greatest extent practicable.
   b. Parcels, lots, building areas and driveways shall be configured to minimize overall impact to ecosystem integrity.
   c. Subdivisions and non-residential development shall meet requirements for rural clustered subdivisions set forth in §407.77 and §407.78.

406.39 Violations

For the purposes of this Section, the alteration or removal of any portion of a strategic ecosystem without prior review and approval may be considered a violation unless expressly exempt under this Chapter. Alteration or removal of each additional 500 square feet of strategic ecosystem or portion thereof in violation of this Chapter may constitute a separate and additional violation. Requirements for corrective action are provided in §406.115.
Article 6 Surface Waters and Wetlands

406.40 Purpose
It is the purpose of this Chapter to preserve, protect, and improve the public health, safety, and general welfare of the citizens of Alachua County, and to conserve and protect open bodies of water and flowing streams, wetlands, and the natural and scenic resources of Alachua County, and to implement the Alachua County Comprehensive Plan.

406.41 Applicability
(a) Waters Included
Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative, and soil criteria (see full definition in Chapter 409).

(b) Regulated Activities
Except as otherwise expressly provided in this section, no alteration shall occur in, on or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

406.42 Jurisdiction and Delineation
Alachua County shall have regulatory authority over all surface waters and wetlands located within the unincorporated area of the County.

(a) Delineation Methodology
Alachua County shall utilize the uniform statewide methodology adopted by the Florida Department of Environmental Protection and Water Management Districts to delineate wetlands, as outlined in Florida Administrative Code Rule 62-340.300 for wetlands, and Rule 62-340.600 for surface waters. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.

(b) General Mapping
The locations and general extent of surface waters and wetlands in Alachua County are depicted on multiple digital map sources, including: the United States Department of the Interior, United States Fish and Wildlife Service, 1985, National Wetlands Inventory; the United States Geological Survey, Hydrography; the United States Department of Agriculture Natural Resources Conservation Service, Hydric Soils; and Water Management District Wetlands Mapping, 1995. The maps are intended for use only as a general reference for determining location and approximate extent of surface waters and wetlands. The provisions of this Chapter shall apply to all surface waters and wetlands, and adjacent areas, and shall not be limited to those depicted on maps described above.
(c) **Site Specific Determination**

1. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment that includes identification of all surface waters, wetlands, and buffers. Applicants are encouraged to arrange a pre-application conference with County staff prior to submittal of an application.

2. The County shall provide verification of a wetlands jurisdictional determination of a specified parcel of land prior to final approval, and before any activity is allowed to proceed in a buffer area or on or adjacent to a surface water or wetland. Final jurisdictional determinations shall be considered valid for a period of five years.

3. If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or a water management district, pursuant to a formal determination under Section 373.421(2), Fla. Stat., or pursuant to a permit issued under Chapter 373, Fla. Stat. in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the County for the duration of the formal determination or state permit.

(d) **Final Drawings**

All final drawings for applications other than work on a private single-family residential lot shall be sealed or certified by:

1. A Florida registered professional engineer; or
2. A Florida registered professional surveyor; or
3. A Florida registered professional landscape architect; or
4. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

**406.43 Water Resources Buffers**

(a) Buffers are integral to the maintenance of surface water and wetland structure and function. A buffer shall be required between all proposed activity and the landward extent of the surface water or wetlands as established in this Chapter. The width of buffer shall be determined on a case-by-case basis after site inspection by the County, depending on what is demonstrated to be scientifically necessary to protect natural ecosystems from significant adverse impact.

(b) In determining the actual buffer width, the following factors shall be considered:

1. Type of activity and associated potential for adverse site-specific impacts;
2. Type of activity and associated potential for adverse offsite or downstream impacts;
3. Surface water or wetland type and associated hydrological requirements;
4. Buffer area characteristics, such as vegetation, soils, and topography;
5. Required buffer function (e.g. water quality protection, wildlife habitat requirements, flood control);
6. Presence or absence of listed species of plants and animals; and
7. Natural community type and associated management requirements of buffer.

(b) Absent scientific information which demonstrates that a larger or smaller buffer width is appropriate, the following buffer widths shall apply for the resources set forth in the table below.

<table>
<thead>
<tr>
<th>Protected Resource</th>
<th>Buffer Distance (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table</td>
<td>50 average, 35 minimum</td>
</tr>
<tr>
<td>Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table</td>
<td>75 average, 50 minimum</td>
</tr>
<tr>
<td>Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within 300 feet of a surface water or wetland</td>
<td>100 average, 75 minimum</td>
</tr>
<tr>
<td>Outstanding Florida Waters (OFWs)</td>
<td>150 average, 100 minimum</td>
</tr>
</tbody>
</table>

* If the buffer precludes all economically viable use of a particular property, development may be allowed within the buffer in accordance with COSE policy 3.6.5., and where applicable, § 406.45, COSE policy 4.6.6 and 4.7.4.

(d) The buffer shall retain the existing undisturbed vegetation. No activity shall occur within a buffer area, except as expressly provided in this Section or as approved by Alachua County in accordance with standards set forth in § 406.46. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

(e) In the event that alteration to a surface water buffer or wetland buffer area occurs without first obtaining the approval required by this Chapter, restoration or other corrective action shall be required of the responsible party at a ratio of between 2:1 and 10:1 acreage of compensation area to impacted area, based on factors including but not limited to:

1. Nature, degree, and geographic extent of adverse impact;
2. Length of time necessary to restore buffer characteristics and function;
3. Rarity or uniqueness of vegetation altered;
4. Value and function of adjacent surface waters and wetlands.

406.44 General Approval Criteria

Final approval of an application may not be granted pursuant to this Section until it is determined that each of the following criteria will be met:

(a) There shall be no net loss of wetland values and functions.
(b) The project is designed to minimize adverse impacts regarding the conservation of populations of fish or wildlife or their habitats.

(c) The project is designed to control and will not cause excessive erosion.

(d) The project will not adversely affect commercial or recreational fisheries or their habitats.

(e) Listed species and/or their critical habitats will not be adversely impacted.

(f) The project will not adversely impact historic resources or paleontological resources.

(g) Project alternatives and modifications to lessen impacts have been determined to be infeasible, i.e. there are no reasonable design alternatives or modifications available to lessen impacts.

(h) The project does not conflict with any other federal, state or local designated preserve or conservation area.

(i) Any structure proposed in, on or over a surface water is water-dependent. If not water-dependent, the structure must clearly demonstrate an overriding public purpose.

(j) There will be no violation of water quality standards; the project complies with state and local water quality rules and standards set forth in Florida Administrative Code Chapters 62-302, 62-550, and 40C-4.301(1)(e), and the Alachua County Water Quality Code.

(k) In conjunction with other projects, the project will not result in cumulative impacts that in the aggregate fail the criteria of this Section.

406.45 Permanent Protection

Applicants not exempted under this Section shall be required to designate and protect in conservation management area all surface waters, wetlands, and associated buffers on the parcel for which development activity is proposed in accordance with Article 17 of this Chapter, except for those portions on which impact is authorized pursuant to §406.47 below.

406.46 Mitigation and Monitoring Plan

For projects that do not meet the general approval criteria of §406.44, and are not specifically exempted by this Section, the County may evaluate proposals for mitigation. Mitigation plans shall be evaluated as part of preliminary plan review by the Board of County Commissioners.

406.47 When to Evaluate Mitigation Proposals

Where impact is allowed under one of the scenarios identified in this Section, mitigation shall be required in accordance with §406.48 of this Chapter.

(a) Impact may be allowed if all of the following criteria are met:

1. Mitigation may be permitted for new wetland loss only where the applicant demonstrates that the activity cannot practically be located on the upland portion of the parcel or contiguous parcels under common ownership or control. The applicant must show that one of the following applies:

   a. Minimal impact activity; or
   
   b. Overriding public interest; or
   
   c. All economically viable use of the property is otherwise precluded;
2. An applicant may be permitted to mitigate for wetland loss only where the applicant has made all practicable project modifications to avoid and minimize wetland loss and degradation in accordance with Article 21;

3. An applicant may be permitted to mitigate for wetland loss where the applicant can demonstrate that the existing wetlands that are to be converted to upland uses are of minimal function and value based on their size, soils, hydrology, plant and animal life, and that the measures necessary to sustain or restore the existing wetlands would be less feasible than the proposed mitigation plan; and

4. Development impact area shall not exceed the rate of ½ acre per ten acres of wetland area, including the footprint of principal and accessory structures and parking, allowing for reasonable access.

(b) Impact may also be allowed to isolated poor quality wetlands as follows:

1. Impact may be allowed to any isolated poor quality wetland that is less than 0.25 acre in size, provided the total impact area is not greater than or equal to 0.25 acre per development.

2. For purposes of this Section, poor quality shall be defined as minimal function and value in accordance with criteria of §406.47(a)3 above.

3. Mitigation of adverse impact shall be required.

406.48 Standards for Accepting Mitigation Proposals

In order to be considered, a mitigation proposal must ensure the long-term viability of the mitigation project, advance the County’s natural resources conservation objectives and policies, and meet the minimum standards for mitigation of conservation areas generally set forth in §406.114. Specifically:

(a) Mitigation shall occur only within the boundaries of Alachua County. Whenever possible, mitigation shall occur in the same watershed in which the impacts occur. Alternatively, mitigation may occur in areas designated by the County.

(b) Mitigation shall be determined for individual projects by applying the Uniform Wetland Mitigation Assessment Method, pursuant to Chapter 62-345, Florida Administrative Code.

406.49 RESERVED

406.50 Exemptions

The following activities are allowed on regulated surface waters, wetlands and wetland buffers, subject to the specified limitations, restrictions and conditions. Persons wishing to make use of an exemption shall submit a natural resources inventory or comparable administrative notice in order to demonstrate that they qualify for exemption prior to initiating any of the following activities in surface waters, wetlands, and buffers:

(a) Bona Fide Agricultural Activities

1. Silvicultural Activities

   Forestry operations conducted in accordance with the practices outlined in Best Management Practices for Silviculture (October, 2003 edition published by the Department of Agriculture and Consumer Services, Division of Forestry). This exemption shall be available only to those operations which meet the criteria of §406.05(c).
2. **Non-silvicultural Activities**

   a. Existing bona-fide agricultural activities that did not require approval prior to October 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42), provided that the activities are conducted according to applicable best management practices.

   b. Operations that cannot qualify for an exemption pursuant to this subsection may apply for an administrative determination. The County may approve administratively the pursuit of agricultural activities in, on or over a surface water or wetland area or buffer, or adjacent to or connected to a surface water or wetland area, if it is determined that the proposal:

      (a) Will have minimal impact on navigational access, water quality, fish, wildlife, exceptional associations of plant life, listed species or hydrologic characteristics critical to the support of the surface water and/or wetland system; and

      (b) Will not result in the draining or permanent filling of a surface water or wetland area; and

      (c) Will incorporate mitigating conditions where necessary to ensure minimal impact.

(b) **Minor Nature Trails**

   Construction and maintenance of public or private nature trails no greater than ten feet in width, including boardwalks and foot bridges, provided that no more dredging or filling is performed than necessary to install, repair or replace pilings.

(c) **Minor Docks and Boardwalks**

   The installation of a dock and/or boardwalk less than 1,000 square feet in total surface area, excluding walkways, provided that the requirements of §404.108 of this ULDC are met.

(d) **Navigational Aids**

   The installation of aids to navigation, including but not limited to bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, provided that the devices are marked pursuant to F.S. § 327.40.

(e) **Treatment Wetlands**

   In the case where specific permitted use(s) and associated required modifications are allowed in "treatment wetlands" or in a "wetlands stormwater discharge facility" pursuant to Chapter 62-611 and Rule 62-25.042, Florida Administrative Code, respectively. Failure to comply with operating conditions of such permit(s) shall nullify this exemption.

(f) **Connection of Stormwater Facilities**

   Dredging or filling which is required to connect stormwater management facilities permitted by the St. Johns River Water Management District, the Suwannee River Water Management District, or the Alachua County Department of Public Works to nontidal wetlands and which is incidental to the construction of such stormwater management facilities. Incidental dredging or filling shall include:
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Article 6. Surface Waters and Wetlands

1. Headwalls and discharge structures; and
2. Erosion control devices or structures to dissipate energy which are associated with discharge structures; and
3. Outfall pipes less than 20 feet in length, provided the pipe does not interfere with navigation; and
4. The connection of ditches dug through the uplands where the dredging or filling for the connection to wetlands extends less than 20 feet in length into the wetland; and
5. Other dredging or filling which the environmental protection department determines will have a similar effect as those activities listed above.

(g) Repair or Replacement

The repair or replacement of existing vehicular bridges, open-foot trestle bridges, functional piers, mooring piles, boat ramps, or stormwater discharge pipes, at the same location and of the same dimensions and configuration as the original being repaired or replaced, provided that no more dredging or filling is performed than necessary, and no debris from original structures shall be allowed to remain in jurisdictional wetlands.

(h) Emergency Repairs

Emergency repairs consistent with the requirements of Rule 62-312.090, Florida Administrative Code.

(i) Maintenance Dredging

The performance of maintenance dredging of existing man-made ditches, canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters, provided no more dredging is performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications, and provided further that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters.

(j) Previously Approved Permits

1. Dredge and fill permits: Specifically permitted dredge and fill or surface water management activities that were approved by a federal or state agency or a water management district, prior to October 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42). Failure to comply with operating conditions of such permits shall nullify this exemption.

2. Other permits: Projects for which the applicant demonstrates that formal development approvals or permits have been issued by other regulatory agencies prior to October 29, 1992, the date of adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42).

(k) Altered Wetlands

In instances where the water regime of a wetland has been artificially altered, but the dominant vegetation of the area in question continues to be comprised of listed
species, a feasibility of hydrologic restoration shall be made by county staff.
Hydrologic restoration that can be accomplished by minor earth work or drainage
controls, and would not be contrary to the public health, safety, and welfare, shall
be viewed as the preferable alternative to the proposed development activity. This
provision for exemption is not intended to apply in the case where a surface water
and/or wetland has been filled or altered in violation of any rule, regulation, statute,
or this Chapter.

(l) Artificial Wetlands
All man-made impoundments, lakes, streams, ponds, artificial or created wetlands,
and all stormwater management facilities, provided that development activities in
these areas will not adversely impact natural or mitigation surface waters and
wetlands. If these facilities were required as a mitigation project they shall not be
exempt from this Chapter. If any wetlands or surface waters are part of a stormwater
management facility approved by the county, the same function must be provided
and any modifications shall be subject to approval by the county engineer.

(m) Miscellaneous
Those other projects for which the Alachua County Environmental Protection
Department determines, in writing, that there will be no significant adverse impacts
based on the factors and criteria set forth in this Section.

406.51 Violations and Use of Awards

(a) In the event that alteration occurs to a surface water, wetland or buffer without
first obtaining the appropriate review and approval required by this Article,
corrective actions shall be required as outlined in §406.115 and may result in an
order to restore to preexisting site conditions.

(b) All monies collected pursuant to this Section shall be deposited in an
environmentally sensitive lands fund, hereby created, for the acquisition,
restoration and management of environmentally sensitive lands.
Chapter 406. Natural and Historic Resources Protections

Article 7. Flood Hazard Areas

406.52 Purpose
It is the purpose of this Article to implement policies contained in the Alachua County Comprehensive Plan to protect and maintain the natural functions of floodplains, floodways, and all other natural areas having hydrological characteristics of the one hundred (100)-year flood elevation; to establish minimum requirements to safeguard the public health, safety, and general welfare; and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
(b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
(c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
(d) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
(e) Minimize damage to public and private facilities and utilities;
(f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
(g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
(h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Sections 59 and 60.

406.52.1 Applicability
The provisions of this Article shall apply to all floodplain development as defined in Chapter 410, that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land and other activities regulated by the Florida Building Code; filling, grading, and other site improvements and utility installations; construction, alteration of a building, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

406.52.2 Coordination with the Florida Building Code
This Article incorporates the provisions of the 2012 Florida Building Code and is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

406.53 Protection and Maintenance of Natural Functions
The natural functions of floodplains, floodways, and all other natural areas having hydrological characteristics of the one hundred (100)-year flood elevation shall be protected and maintained.
Natural functions include water purification, flood hazard mitigation, water supply, and wildlife habitat and connectivity. Protections applicable to conservation areas under this Article shall apply to 100-year floodplains and floodways. Specific protections may be required to prevent erosion and maintain the existing topography of slopes along natural banks and shores.

**406.53.5 Designation and Duties of the Floodplain Administrator**

The County Engineer is designated as the Floodplain Administrator and shall administer and implement this Article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to Section 406.57.2.

(a) **Duties of the Floodplain Administrator**

The Floodplain Administrator shall provide for the following:

1. Notify adjacent communities and the Florida Department of Economic Opportunity prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency;
2. Assure that appropriate documentation is provided for maintenance within the altered or relocated portion of said water course so that the flood-carrying capacity is not diminished;
3. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
4. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
5. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
6. Provide available flood elevation and flood hazard information;
7. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
8. Review applications to determine whether proposed development will be reasonably safe from flooding;
9. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, when compliance with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
10. Coordinate with and provide comments to the Building Official to assure that applications for building permits for buildings and structures in flood hazard areas comply with the requirements of this Article.
11. Ensure that all applicable state or federal permits be obtained and submitted before commencement of the permitted development, including but not limited to the following:
   a. The appropriate Water Management District; §373.036, F.S.
   b. Florida Department of Health for onsite sewage treatment and disposal systems; §381.0065, F.S. and Chapter 64E-6, F.A.C.
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(c) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; §404 of the Clean Water Act.

d) Federal permits and approvals.

(b) Substantial Improvement or Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alteration of a building, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Building Official, in coordination with the Floodplain Administrator, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the Florida Building Code and this Article is required.

5. Record the actual elevation in relation to datum references on the FIRM of the lowest floor, including basement, of all substantially improved structures in accordance with §406.56(b).1.f; and

6. Record the actual elevation in relation to datum references on the FIRM to which any substantially improved structures will be floodproofed, in accordance with §406.56(b).1.f

(c) Modifications of the Strict Application of the Requirements of the Florida Building Code

The Building Official shall review requests submitted to the Floodplain Administrator that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 406.57.2 of this Article.

(d) Coordination of Notices and Orders

The Floodplain Administrator and the Building Official shall coordinate the issuance of all necessary notices or orders to ensure compliance with this Article and the flood resistant construction requirements of the Florida Building Code.

(e) Inspection

The Floodplain Administrator shall make the required inspections for development that is not subject to the Florida Building Code, including buildings, structures and
facilities exempt from the Florida Building Code. For buildings and structures subject to the Florida Building Code, the Building Official shall make the required inspections of structures specified in Section 406.56.5 of this Article and the Florida Building Code, Building Section 110. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(f) Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 406.53.5(b) of this Article;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this Article and the Florida Building Code and this Article to determine that such certifications and documentations are complete; and

5. Notify the Federal Emergency Management Agency when the corporate boundaries of Alachua County are modified.

(g) Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator in coordination with the Building Official shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Alachua County Public Works Office at 5620 NW 120th Lane in Hague and at the Growth Management Office.

Unified Land Development Code
Alachua County, Florida

ADOPTED AS ORD. 18-23
10/09/2018
Chapter 406. Natural and Historic Resources Protections
Article 7. Flood Hazard Areas

406.54 Warning and Disclaimer of Liability
The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Floods greater than the base flood can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the special hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Alachua County Board of County Commissioners or by any officer or employee thereof for any flood damages that result from reliance on this Article or any decision lawfully made thereunder. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, may be revised by the Federal Emergency Management Agency (FEMA) requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Article.

406.55 Designation of Flood Hazard Areas

(a) The flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Rate Maps (FIRM) and Flood Insurance Study for Alachua County, Florida and Incorporated Areas dated November 2, 2018 and all subsequent amendments and revisions and the accompanying maps and other supporting data, and any FEMA Letter of Map revisions thereto are hereby adopted by reference and declared to be a part of this Article. Studies and maps are on file at the Alachua County Public Works Department, 5620 NW 120th Lane, Gainesville, FL 32653. The Floodplain Administrator may also obtain, review, and reasonably utilize base flood elevation and floodway data from any source to determine flood hazard areas, including, specifically, the following:

1. The "Water and Flood Plain Management Study for the Gainesville Metropolitan Area," conducted by Sverdrup, Parcel and Associates, Inc., for the North Central Florida Regional Planning Council, 1974, including any update to such study; and

(b) In all instances, the more precise map shall take precedence over less precise maps, as determined by the Public Works Department. In the case of floodplain elevation differences between maps of the same relative precision, the highest floodplain elevation shall be used.

(c) The Floodplain Administrator shall have the right to require any applicant for a permit or variance to submit information to verify and/or establish the flood hazard areas. An applicant may also elect to submit information to verify and/or establish the flood hazard areas.

(d) Submission of additional data to establish flood hazard areas.
To establish flood hazard areas and base flood elevations, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the County indicates that ground elevations:

1. are below the closest applicable base flood elevation, even in areas not delineated as flood hazard areas on a FIRM, the area shall be considered as
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flood hazard areas and subject to the requirements of this Article and, as applicable, the requirements of the Florida Building Code.

2. are above the closest applicable base flood elevation in areas delineated as flood hazard areas on a FIRM, the area shall be regulated as a flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the flood hazard area.

406.56 Floodplain Development Permit Required

Any development in a flood hazard area is hereby prohibited, unless a Floodplain Development permit and building permit is first obtained. All newly created lots shall include adequate buildable area above the 100-year floodplain and all new habitable structures on such lots must be outside the floodplain. Existing lots of record as of October 2, 1991 may only develop in conformance with the Flood Hazard Reduction Standards and the Florida Building Code as applicable. Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this Article, including buildings, structures and facilities exempt from the Florida Building Code which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been satisfied.

(a) Administrative Approval

The Development Review Committee shall approve, approve with conditions, or deny all Floodplain Development permits, with the exception of the following uses which can be approved by the Floodplain Administrator:

1. Boat docks less than 1,000 feet meeting the minimum standards of §404.65 of this ULDC.
2. Single family residence or mobile or manufactured home on a legal lot of record.

(b) Floodplain Development Permitting Process

The following procedures shall be utilized to process a Floodplain Development permit:

1. Application, General Requirements

An application shall be made to Floodplain Administrator on a form prescribed and provided for this purpose. The application, at a minimum, shall provide the following information:

a. The proposed elevation, in relation to vertical datum references on the FIRM map, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones AI-A30, AE or AH, or Zone A if base flood elevation data are available or in any other areas determined to be flood hazard in accordance with §406.55;  
b. Elevation in relation to datum references on the FIRM map to which any nonresidential structure will be floodproofed;  
c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in §406.55;
d. A description of the extent to which any surface water body will be altered or relocated as result of proposed development;

e. A technical analysis, by a licensed professional engineer, if required by the Flood Plain Administrator, which shows whether proposed development to be located in a flood hazard area may result in physical damage to any other property;

f. A flood elevation or design certification needs to be submitted after the lowest floor is completed. Upon placement of the lowest floor and prior to further vertical construction and within 21 calendar days of construction of the lowest floor elevation by whatever construction means, it shall be the duty of the permit holder to submit to the Building Official and the Floodplain Administrator a certification as to the elevation of the lowest floor as required by the Florida Building Code, Building Section 110.3. Said certification shall be prepared by or under the direct supervision of a Florida licensed professional surveyor and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared as required by the Florida Building Code, Building Section 1612.5(1.3). Any work done subsequent to placement of the lowest floor and prior to submission of their certification shall be at the permit holder’s risk. The Building Official and the Floodplain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to any further work being allowed to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop work order for the project structure;

g. When an applicant proposes a subdivision of land as regulated by Article 8, Subdivision Regulations, of Chapter 407, or when an applicant proposes to develop a manufactured home park not requiring approval under the subdivision ordinance, the areas designated as flood hazard areas shall be shown on the plat and/or development plan in accordance with the requirements of §407.87, Special Flood Zone Criteria, of this ULDC. Where flood zone designations conflict with established base flood elevations, the applicant shall be required to obtain a FEMA Letter of Map Revision. Where any portion of a proposed subdivision, including a manufactured home park, lies within a flood hazard area, the following shall be required:

i. Delineation of flood hazard areas, floodway boundaries and flood zones, and base flood elevations and ground elevations as appropriate, shall be shown on development plans and/or plats; and

ii. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not available on the FIRM or FIS, the information required in Section 406.56(b)9 of this Article; and

iii. Compliance with the site improvements and utilities requirements of Section 406.57(e), (f) and (g) of this Article.
h. For all properties located within flood hazard areas, all supporting documents, including complete plans and an itemized cost estimate shall be provided when an application is submitted. The County will determine if the proposed improvements constitutes substantial improvement or the repair of substantial damage.

i. As a condition of issuance of a Floodplain Development Permit or a building permit for a structure in a flood hazard area, if such structure is an accessory structure used only for storage or parking of vehicles, or if such structure has the area below the lowest floor enclosed by walls, including crawlspace foundation walls, and if such enclosed area is used only for building access, storage or parking of vehicles, then a binding Non-Conversion Agreement shall be required to stipulate that the structure or accessory structure or enclosed area shall not be modified or used for other than building access, storage or parking of vehicles without first bringing the structure into compliance with all applicable flood hazard reduction standards of this Article. Such agreement shall be recorded in the public records of Alachua County by the owner of the structure.

j. Subdivision proposals, including proposal for manufactured home parks, shall include evidence that:
   i. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
   ii. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
   iii. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. **Floodplain Development Permits or Approvals**

   Floodplain development permits or approvals shall be issued pursuant to this Article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

3. **Buildings, Structures and Facilities Exempt from the Florida Building Code**

   Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code, Building Section 102.2 and any further exemptions provided by law, are subject to the requirements of this Article:
a. Railroads and ancillary facilities associated with the railroad.

b. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.

c. Temporary buildings or sheds used exclusively for construction purposes.

d. Mobile or modular structures used as temporary offices.

e. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

4. Applications for Single Family Dwelling Permits or Approvals and Applications for other development.

To obtain a floodplain development permit or approval for a single family dwelling that is not part of an approved subdivision with a stormwater system, or for other development within the scope of this Chapter, the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

a. Identify and describe the development to be covered by the permit or approval.

b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

c. Indicate the use and occupancy for which the proposed development is intended.

d. Be accompanied by a site plan or construction documents as specified in Section 406.56(b)8 through 11 of this Article.

e. State the valuation of the proposed work.

f. Be signed by the applicant or the applicant’s authorized agent.


g. Give such other data and information as required by the Floodplain Administrator or Building Official.
5. **Validity of Permit or Approvals**

The issuance of a floodplain development permit or approval pursuant to this Article shall not be construed to be a permit for, or approval of, any violation of this Article, the *Florida Building Codes*, or any other Article of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator or Building Official from requiring the correction of errors and omissions.

6. **Expiration of Permits or Approvals**

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 360 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

7. **Suspension or Revocation of Permits or Approvals**

The Floodplain Administrator or Building Official is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other ordinance, regulation or requirement of this community.

8. **Site Plans and Construction Documents**

a. The site plan or construction documents for any development in flood hazard areas and subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed development:

i. Delineation of floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations, if necessary for review of the proposed development.

ii. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 406.56(b)9 of this Article.

iii. Where the parcel on which the proposed Subdivision or other development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 406.56(b)9 of this Article.

iv. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

v. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
vi. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

vii. Existing and proposed alignment of any proposed alteration of a watercourse.

b. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Article.

9. Information in Flood Hazard Areas without Base Flood Elevations (approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

a. Require the applicant to include base flood elevation data prepared in accordance with accepted engineering practice.

b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source; or

c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate;

i. Require the applicant to include base flood elevation data prepared in accordance with the currently accepted engineering practices; or

ii. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

d. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, the applicant shall apply to FEMA and the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

10. Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
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a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the floodplain encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 406.56(b)(11) of this Article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a hydrologic and hydraulic analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 406.56(b)11 of this Article.

11. Submission of Additional Data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRM, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

12. Review by Flood Plain Administrator

The Floodplain Administrator shall review all applications for completeness; shall request additional information, if needed, as provided in this Article; and shall verify the accuracy of the information provided.

406.56.5 Inspections

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(a) Development other than Buildings and Structures

The Building Official or Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
(b) Buildings and Structures
The Building Official or Floodplain Administrator shall inspect buildings and structures subject to the *Florida Building Code* to determine compliance with the flood load and flood resistant construction requirements of issued building permits and the *Florida Building Code*. The Building Official or Floodplain Administrator shall inspect buildings and structures exempt from the *Florida Building Code* to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.

(c) Buildings and Structures Exempt from the *Florida Building Code*

1. Lowest Floor Inspection
   Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building or structure exempt from the *Florida Building Code*, or the owner’s authorized agent, shall submit to the Building Official or Floodplain Administrator:
   a. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
   b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 406.56 (b)9. of this Article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner’s authorized agent.

2. Final Inspection
   As part of the final inspection, the owner or owner’s authorized agent shall submit to the Building Official or Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 406.56(b)9 of this Article.

(d) Manufactured Homes
The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

(e) Stop Work Orders
The Flood Plain Administrator or the Director shall issue a stop work order for any floodplain development found ongoing without a Flood Hazard Area permit or in any way noncompliant with the provisions of this ULDC and/or the conditions of an approved permit. Disregard of a stop work order shall subject the violator to the penalties described in this ULDC.

406.57 Flood Hazard Reduction Standards
The Development Review Committee and the Floodplain Administrator may grant a Floodplain Development permit to allow development in a flood hazard area, providing that the following minimum standards, where applicable, are met:
(a) No Adverse Effects
The proposed development shall not adversely affect the flood-carrying capacity and/or flood storage capacity of a flood hazard area. For the purpose of this Section, "adversely affect" means damage to adjacent properties because of rises in flood stages attributable to physical changes of the stream or depression basin. Without limiting the foregoing, a development other than a stream crossing is presumed to adversely affect the flood-carrying and/or flood storage capacity if it involves the filling of land in a flood hazard area without simultaneously providing additional flood-carrying and flood storage capacities to compensate for that capacity which is lost because of such filling. The final verification of grades for compensation area purposes in a flood hazard area shall be certified by a professional land surveyor.

(b) Fill Within Depression Basin
Fill within a depression basin may be allowed, provided the lowest elevation of excavation for the compensating storage volume is above the normal wet season groundwater table. No permanent fill or other obstructions are to be placed above the natural grade of the ground except as provided for below:

1. Minor amounts of fill may be allowed for mounded on-site sewage disposal systems pursuant to Chapter 10D-6, Florida Administrative Code, when the mound is less than three feet in height as measured from the natural grade of the ground and when the top width of the mound is 20 feet or less and when the side slopes of the mound are no steeper than three feet horizontal to one foot vertical and the mound is planted with sod or other appropriate vegetation to prevent erosion.

2. Minor amounts of fill may be allowed for a structure or to establish a yard provided that compensation is provided within or adjacent to the floodplain and the lowest elevation of excavation for the compensating storage volume is above the normal wet season groundwater table.

3. Compensatory excavation volumes shall be provided at the same elevation as the fill volumes to the maximum extent possible. The bottom elevation of any compensation basin shall be designed and constructed at or above the seasonal high groundwater level for the site.

4. If a private road or driveway is proposed to be placed within a depression basin, the final grade shall be at or above the 100 year base flood elevation or raised to an elevation of three feet above existing grade if a base flood elevation has not been determined provided that all other flood criteria contained in this Article are met. Equalizer pipes shall be provided to ensure unimpeded stormwater flow within the basin.

(c) Fill Within Stream Basin
Fill within a depression adjacent to a stream basin may be allowed where compensation for the flood-carrying capacity which is lost because of filling is provided or, in the case of a stream crossing, it will not cause more than a one-foot increase in headwater elevation above the base flood elevation immediately upstream from the fill and no more than a 1/100-foot increase 500 feet upstream. In no case shall filling be permitted in a designated floodway, except as provided in §406.37.2. All utility equipment and ductwork shall be installed at or above the permitted finished floor elevation which must be a minimum of one foot above the
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base flood elevation for the site. Where the base flood elevation has not been established, all utility equipment and ductwork must be three feet above the highest natural ground.

(d) Minimum Elevation

All residential structures on existing lots of record must have the lowest floor elevated a minimum of one foot above the base flood elevation for that site. This can be achieved by using an open foundation, such as pilings or stem wall designed with openings as described in §406.57(k).

Where the base flood elevation has not been established, the lowest finished floor elevation of the structure must be three feet above the highest natural ground level.

(e) Sanitary Sewage Systems and Other Utility Systems

Septic tanks and drain fields must be located outside the limits of the ten-year floodplain. Sewage treatment and collection systems shall be designed to prevent contamination of flood waters by infiltration and/or exfiltration up to one foot above the base flood elevation. Potable water supply systems shall be designed to prevent infiltration of flood waters into the system up to one foot above the base flood elevation. Electrical and communications utilities shall be designed to prevent flood damage up to one foot above the base flood elevation. All mechanical and utility systems shall be designed and/or elevated to prevent water from entering or accumulating within component parts or subsystems. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Article 64E-6, F.A.C. and ASCE 24 Article 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(f) Site Improvements, Utilities and Limitations

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

(g) Water Supply Facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Article 62-532.500, F.A.C. and ASCE 24 Article 7 to minimize or eliminate infiltration of floodwaters into the systems.

(h) Limitations on Sites in Regulatory Floodways

Development, site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 406.57(o) of this Article demonstrates
that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(i) Limitations on Placement of Fill

Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures, fill shall comply with the requirements of the *Florida Building Code*.

(j) Road Elevations

The pavement of all public roads will be elevated to or above the ten-year floodplain, but will be allowed within the flood hazard area, provided other flood criteria contained in this Article are met. Roads that provide the only means of ingress and egress to a subdivision or single family dwellings must be elevated to or above the 100-year floodplain.

(k) Anchoring and Flood Openings

All structures shall be constructed so as to be protected from hydrostatic and hydrodynamic loads, including the effects of buoyancy in accordance with ASCE 24. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be as specified in Section 2.7.2.2 of ASCE 24 and certified by a registered professional engineer or meet or exceed the following minimum requirements:

1. A minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of each openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(l) Use of Flood Resistant Material

All structures shall be constructed with materials and utility equipment resistant to flood damage.

(m) Design and Construction of Buildings and Structures Exempt from the *Florida Building Code*

Pursuant to Section 406.56(b)3 of this Article, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 406.57(t) of this Article.
(n) Manufactured and Mobile Homes

In addition to meeting the other requirements provided herein, the following requirements shall apply to the placement, replacement, or substantial improvement of any manufactured or mobile home:

1. Installation

   All manufactured and mobile homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Article 15C-1, F.A.C. and the requirements of this Article. Compliance with the requirements shall be verified by the Building Official.

   a. Foundations

      All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent foundations with adequate anchoring.

   b. Elevation

      i. General Elevation Requirement

         Unless subject to the requirements of Section 406.57(n)1.b.ii of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

         ii. Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions

         Manufactured homes that are not subject to §406.57(n)1.b.i, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

         (a) Bottom of the frame of the manufactured home is at least a foot above the base flood elevation, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A); or

         (b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

   c. Enclosures
Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.

d. **Utility Equipment**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

2. **Foundations or Lots**

The following standards shall apply to sites or locations, including spaces or sites within a mobile home park or subdivision, proposed for the placement, replacement, or substantial improvement of mobile homes:

a. Foundations or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be a minimum of one foot above the base flood level elevation;

b. Adequate surface drainage and access for haulers shall be provided; and

c. In the instance of elevation of pilings, (i) lots shall be large enough to permit steps; (ii) piling foundations shall be placed in stable soil no more than ten feet apart; and (iii) reinforcement shall be provided for pilings more than six feet above the ground.

(o) **Development in Floodway**

1. Within the floodway, development shall be prohibited. If this precludes all economically viable use of a legal lot of record, minimal development may be allowed in accordance with each of the following provisions:

a. Certification, with supporting technical data, by a registered professional engineer, shall be required for all encroachments, including fill, new construction, substantial improvements, and other developments. The certification shall include demonstration that encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

b. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

c. The development impact area shall not exceed the rate of ½ acre per ten acres of floodway, including the footprint of principal and accessory structures and parking, allowing for reasonable access.

d. The placement of any manufactured home or mobile home is prohibited. Development intended for recreational vehicles or travel trailers shall be prohibited.

2. The following development activities shall meet the requirements of this subsection:

a. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences;
b. Retaining walls, sidewalks and driveways that involve the placement of fill in regulated floodways;

c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroached into regulated floodways; and

d. Alteration of a watercourse that is part of a road or watercourse crossing.

(p) Development Adjacent to Outstanding Florida Waters

In addition to the minimum standards established in this section, all development in flood hazard areas adjacent to Outstanding Florida Waters (OFWs), including those uses and structures set out in §406.57, shall adhere to the following standards:

1. All development activities, except as expressly provided in this Article or as approved by Alachua County, must take place landward from the OFWs buffer distance for Outstanding Florida Waters found in Table 406.43.1 of this Chapter. Vegetation waterward of such buffer distance shall be preserved in a manner consistent with the requirements of this Article.

2. The appropriate water management district shall be notified of all development proposals within the flood hazard area along any Outstanding Florida Waters.

(q) Imposition of Additional Conditions

The development review committee may impose such additional conditions which it deems are in the public interest.

(r) Recreation Vehicles and Park Trailers

1. Temporary Placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

a. Be on the site for fewer than 180 consecutive days; or

b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

2. Permanent Placement

Recreational vehicles and park trailers that do not meet the limitations in Section 406.57(r)1 of this Article for temporary placement shall meet the requirements of Section 406.57 (i) of this Article for manufactured homes.

(s) Tanks

1. Underground Tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. **Above-ground Tanks, Elevated**  
   Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

3. **Above-ground Tanks, Not Elevated**  
   Above-ground tanks that do not meet the elevation requirements of 406.57(s)2 above shall be permitted provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

4. **Tank Inlets and Vents**  
   Tank inlets, fill openings, outlets and vents shall be:
   a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
   b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(t) **General Requirements for Other Development**  
   All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:
   1. Be located and constructed to minimize flood damage;
   2. Meet the limitations of Section 406.57(o) of this Article if located in a regulated floodway;
   3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
   4. Be constructed of flood damage-resistant materials; and
   5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

406.57.1 **Uses Allowed Without Permit**  
   The following uses shall be allowed without a permit, to the extent they are not prohibited by any other ordinance, or any other provisions of this Article, unless any filling or structure associated with such use requires a Flood Hazard Area permit in accordance with this Article:

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Unified Land Development Code  
Alachua County, Florida  
ADOPTED AS ORD. 18-23  
10/09/2018
(a) Agricultural and silvicultural uses conducted in accordance with all applicable best management practices, in accordance with the provisions of §406.05(c);

(b) Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat ramps, natural swimming areas (excluding swimming pools), parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; or

(c) Lawns, gardens, grassed parking, and play areas.

(d) Notwithstanding that any of the foregoing uses are permitted within an area of special flood hazard, no use shall adversely affect the efficiency or unduly restrict the capacity of depression basins or stream basins, or of any stormwater management facility or system; and, to the extent any use would so adversely affect or unduly restrict, such use is prohibited unless a permit is obtained as required by §406.56.

406.57.2 Variances to Flood Hazard Protection Standards

(a) Authority to Grant Variances

The development review committee, may grant a request for a variance to the requirements of this Article where literal application of the provisions thereof would impose exceptional hardship because of unique topographic or other conditions of land involved, which are not the result of the actions of the landowner; and the Development Review Committee, pursuant to §553.73(5), F.S., may grant a request for a variance from the strict application of the flood resistant construction requirements of the Florida Building Code; provided that:

1. Conditions are attached to permit approval that assure compliance with the requirements of this Article insofar as practical and the modification granted is the minimum modification necessary to make possible a reasonable use of the land.

2. The purpose and intent of this Chapter are observed.

3. There is no increase in flood hazard or flood damage potential as certified by a registered Florida professional engineer; a variance shall not be issued for any proposed development in a floodway if any increase in the base flood elevations would result Per §406.56(b)10.

4. The request shall be fully documented in writing and shall contain technical reasons and justifications explaining why the requirements cannot be met.

5. Neither the size of the parcel in question, nor the size or nature of development of adjacent lots (vis-a-vis these regulations) shall necessarily justify a request.

6. Requests for alternative compliance shall be considered on a case-by-case basis and not on the basis of an entire subdivision.

7. Staff review, including the review of alternatives to the proposed siting and/or methods of development, shall be considered.

(b) Considerations for Issuance of Variances

In reviewing requests for variances, the Floodplain Administrator and the Building Official shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this Article, and the following:
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1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
11. Variance is authorized to be issued for Historic structures in a flood hazard area for repair, improvement, or rehabilitation provided that it has been determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, and upon a determination that the proposed repair, improvement or rehabilitation will not preclude the building’s continued designation as a historic building.
12. Variance is authorized to be issued for the construction or substantial improvement for the conduct of a functionally dependent use provided due consideration has been given to the use of methods and materials that minimize flood damage during occurrence of the base flood.

(c) Conditions for Issuance of Variances

Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards;
2. Determination by the Floodplain Administrator and the Building Official that:
   a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
   b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor
create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and Articles; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

406.57.3 Violations

Any construction or development in a flood hazard area that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article or the Florida Building Code, as applicable, shall be deemed a violation of this Article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(a) Authority

For development that is not within the scope of the Florida Building Code but that is regulated by this Article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner’s agent, or to the person or persons performing the work.

(b) Unlawful Continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.
Article 8  Springs and High Aquifer Recharge Areas

406.58  Purpose
The purpose of this section is to preserve, conserve and protect springs, groundwater, and associated karst features in high aquifer recharge areas, those areas where stream-to-sink surface water basins occur and the Floridan aquifer is vulnerable or highly vulnerable as depicted in the Alachua County Floridan Aquifer High Recharge Area Map, from potential adverse impacts associated with land uses and activities so that regulations may be applied within these zones to minimize adverse impacts to water quality and quantity. Further, these provisions are intended to:

(a) Protect the Floridan aquifer and the ability of the aquifer to continue to supply adequate water to springs and associated aquatic ecosystems and to meet the needs of the public for clean, safe, potable water;
(b) Maintain and improve the quality and quantity of water recharging the Florida aquifer and discharging from springs;
(c) Conserve water resources and promote environmentally responsible reuse of water; and
(d) Protect and preserve springs, springsheds, and associated karst features, including, but not limited to caves, sinkholes, karst windows, and swallets.

406.59  General Standards
The following generally applicable requirements of the Alachua County Code of Ordinances contribute to protection of springs and high aquifer recharge areas throughout the unincorporated portion of Alachua County:

(a) Chapter 78, Fertilizer Standards and Management Practices
(b) Chapter 79, Irrigation Conservation Standards and Management Practices
(c) Chapter 353, Hazardous Materials Management Code
(d) Chapter 404, Article 24, Mining or Excavation and Fill Operations
(e) Chapter 404, Article 14, Entertainment and Recreation
(f) Chapter 406, Article 2, Trees and Native Vegetation
(g) Chapter 406, Article 6, Surface Waters and Wetlands
(h) Chapter 406, Article 12, Wastewater Treatment Facilities
(i) Chapter 406, Article 16, Significant Geologic Features
(j) Chapter 407, Article 4, Landscaping
(k) Chapter 407, Article 5, Open Space
(l) Chapter 407, Article 9, Stormwater Management

406.59.1  Additional Protection Standards
The following additional standards apply to development activities within High Aquifer Recharge Areas.

(a) Outdoor Water Conservation for New Development
1. The following additional standards shall be incorporated into Homeowner Association codes, covenants and restrictions (CCR) documents and shall apply to development activities for new subdivisions within high aquifer recharge areas. Outdoor water conservation for new development shall be
maximized. Irrigation shall be minimized and permanent high-volume irrigated areas shall not exceed 60% (Florida Water Star Silver basic prerequisite) of the landscaped area. This standard is applicable on new residential lots over 1/8 acre. The maximum total irrigated area on residential lots, regardless of lot size, shall not exceed 0.5 acres (Florida Water Star standard). This requirement excludes agriculturally zoned lots and vegetable gardens and fruit or nut trees on individual lots.

2. TNDs, TODs and mixed use development shall utilize the standards in (a)1 above, excluding designated recreational areas.

(b) The use of rapid infiltration basins or percolation ponds for wastewater effluent disposal is prohibited. Use of wetland treatment systems, such as infiltrating wetlands, that are designed to lower nutrient concentrations by denitrification and promote aquifer recharge are allowed.

(c) New sites for land application of Class A and B residuals (biosolids) are not allowed in the high aquifer recharge areas.

(d) New sites for land application of septage are not allowed in high aquifer recharge areas.

(e) In addition to the golf course design and monitoring requirements of Chapter 404, golf courses shall be designed and operated to be protective of springs (for example, capture and recycle nutrient laden water or implement other nutrient reduction techniques) to minimize the potential for nutrients to degrade surface waters, springs or the Floridan aquifer.
Article 9  RESERVED
Article 10  Wellfield Protection

Purpose
It is the purpose of this Section to promote the public health, safety and general welfare and to implement policies contained in the Alachua County Comprehensive Plan to protect and maintain the quality and quantity of groundwater in surficial, intermediate, and Floridan aquifers. The County hereby establishes a comprehensive wellfield protection program to protect current and future public water supply needs from potential adverse effects from incompatible land uses and activities.

Delineation of Protection Zones for Public Systems

(a) Fixed Zones of Protection
Except as otherwise expressly provided for a specific wellfield, the following zones of protection are established for each public water system in the unincorporated area of Alachua County. A map of public water supply wells shall be maintained and updated by the Environmental Protection Department.

1. Tertiary Wellfield Protection Zone
   The tertiary wellfield protection zone includes the following: the land area surrounding the secondary wellfield protection zone; the land area within a 1,000 foot radius surrounding a public water supply well; and the land area within a springshed.

2. Secondary Wellfield Protection Zone
   The secondary wellfield protection zone is the land area surrounding the primary wellfield protection zone, and the land area within a 500 foot radius surrounding a public water supply well.

3. Primary Wellfield Protection Zone
   The primary wellfield protection zone is the land area immediately surrounding a public water supply well, and the land area within the 200 foot radius surrounding a public water supply well.

(b) Modification of Zones of Protection
   Zones of protection may be revised for a specific public water system based on best available scientific data, including results of scientific modeling, which demonstrates that a larger or smaller zone of protection is necessary to protect water quality. Absent such demonstration, protections shall be applied based on the zones of protection defined above.

(c) Murphree Wellfield
   Zones of protection and applicable requirements are defined specifically for the Murphree Wellfield in Chapter 355.

Protection Standards for Public Systems
Requirements that apply to each wellfield protection zone are presented below, in order of increasing restrictiveness by zone. Requirements for the tertiary protection zone are generally applicable to all wellfield protection zones. Requirements for the primary protection zone are most restrictive, and incorporate restrictions of both tertiary and secondary protection zones.
(a) **Tertiary Wellfield Protection Zone**

1. The following new uses or expansions of existing uses shall be prohibited:
   
   a. Solid waste disposal facilities, including landfills;
   
   b. Domestic and industrial wastewater treatment facilities, including wastewater treatment plants and percolation ponds, wastewater reuse and discharge facilities, except for expansions as part of facility upgrade;
   
   c. Any land applications of septage;
   
   d. Unlined storage and treatment of dairy waste, high intensity areas, and land applications of dairy waste;
   
   e. Feedlots or other animal feeding operations;
   
   f. Mines;
   
   g. Excavation of waterways or stormwater management facilities which intersect the water table;
   
   h. Stormwater retention and detention basins except pursuant to performance controls where configuration or topography of a lot of record precludes location of a required retention or detention basin outside the wellhead protection area;
   
   i. All uses prohibited in high aquifer recharge areas by §406.59(c).

2. The following standards shall apply:
   
   a. All new and existing wells and nonresidential septic tanks shall be registered, as set forth in Article 11 of this Chapter.
   
   b. No new wells shall be constructed in the surficial, intermediate, or Floridan aquifer system, except as set forth in §406.63(b).
   
   c. Existing wells posing a threat to groundwater quality, as determined by the county, shall be properly abandoned or repaired as set forth in §406.63(a)1. Wells allowed to remain shall meet the requirements which are set forth in §406.63(a)5.
   
   d. A hazardous materials storage license shall be required for regulated storage facilities with nonresidential septic tanks or wells, as set forth in the Hazardous Materials Management Code.

(b) **Secondary Wellfield Protection Zone**

The following provisions shall apply:

1. Expansion or construction of a new Class C or D storage facility, as defined in Section 353.31 of the Alachua County Code, shall be prohibited.

2. A hazardous materials storage license shall be required for all regulated storage facilities, as set forth in Section 353.38 of the Alachua County Code.

3. All nonresidential septic tank systems shall be registered, as set forth in Article 11 of this Chapter.


(c) **Primary Wellfield Protection Zone**

The following provisions shall apply:

1. No new non-residential septic tank systems shall be allowed.
2. No uses of land which require or involve storage, use, or manufacture of hazardous materials are allowed.

3. No uses of land which involve storage or treatment of solid waste in tanks.


(d) Exemptions

1. The transportation of any hazardous material through a wellhead protection area provided that the transporting motor vehicle is in continuous transit.

2. The use of hazardous materials substances for maintenance and cleaning of existing residential, commercial or office buildings provided best management practices are followed.

3. Retail sales establishments that store and handle, for resale, hazardous materials in the original and unopened containers.

4. Storage tanks which meet the auxiliary power provisions of Rule 62-555.320(6), Florida Administrative Code.

406.63 Wells within Protection Zones

The following provisions are applicable within all wellfield protection zones.

(a) Existing Wells

1. All existing wells that are not in use or that pose a threat to groundwater quality shall be properly abandoned or repaired, as approved by the County, within 90 days of their identification. Wells that pose a threat to groundwater include, but are not limited to, wells with deteriorated casings, wells that interconnect aquifers allowing downward movement of poor quality water or contaminants, and other conditions, as determined by the county, that would allow water quality degradation.

2. The owner or operator of any well to be abandoned shall comply with the following requirements:

   a. Obtain any water management district or state permits required for proper well abandonment.

   b. Provide the County with 60 days written notice of the proposed abandonment.

   c. Properly abandon the well, using approved techniques to fill and seal the well, in accordance with Rule 62-532.500(4), F.A.C., or other applicable water management district requirements.

   d. Provide the County with a copy of the permit (if required) and a copy of the well completion report that has been submitted to the appropriate water management district.

3. The county may allow existing wells to remain for the following uses:

   a. Potable supply for domestic use;

   b. Groundwater monitoring;

   c. Water withdrawal or injection as part of a federal, state, or local approved groundwater assessment, remediation, or monitoring program;

   d. Irrigation;
Part of a system for air conditioning or for the exchange of non-contact cooling water;

Uses authorized by a valid water management district or state permit.

The County may require the property owner or agent for the owner to conduct testing of mechanical integrity and water quality monitoring. The owner or agent shall complete the required work within 14 days of notice by the county, and submit to the county a report of results within 45 days of notice. If the property owner does not conduct the required testing and monitoring, the County shall be allowed access to the well for testing and monitoring purposes.

If the County allows existing wells to remain, the owner shall comply with all of the following conditions:

Register the well, as set forth in Article 11 of this Chapter;

Within 90 days of termination of use, properly abandon the well, as set forth in §406.63(a)2 above;

Secure with a protective casing and lock all wells used exclusively for monitoring purposes; and

Install backflow prevention on all non-domestic production wells and where otherwise required to prevent contamination.

(b) New Wells

The county may allow the construction of new wells for the uses specified in §406.63(a)3, "Existing Wells."

New wells shall be constructed according to the requirements and standards set forth by the state and by the county, including, but not limited to, the following: Florida Administrative Code Chapters 40B-3, 40C-3 (including the Fairbanks Special Construction Criteria Areas A and B), 62-520, and 62-524.

New wells shall conform to all conditions for existing wells set forth in this Section.

Owners of new wells which are two inches or greater in diameter but do not require a water management district or state permit must show proof of economic hardship.

(c) Geotechnical Borings

Geotechnical borings greater than 20 feet in depth are exempt from the provisions of this Chapter, except that they must be properly abandoned.

Nonresidential Septic Tank Systems within Protection Zones

Registration of nonresidential septic tank systems within all wellhead protection zones shall be required pursuant to requirements for registration of wells in Article 11 of this Chapter. Proper abandonment of nonresidential septic tank systems shall be conducted according to the procedures set forth in section 64E-6.011, Florida Administrative Code.

Setback Table for Other Public, Limited Use and Private Systems

In addition, new uses or activities shall be set back from existing non-community public, limited use, and private potable water wells, in accordance with the minimum requirements of F.A.C. 62-532 (effective March 28, 2002), DEP Water Well Permitting and Construction Requirements, summarized generally in Table 406.65.1 below.
### Table 406.65.1
Setbacks for Other Public, Limited Use and Private Water Wells

<table>
<thead>
<tr>
<th>Use or activity</th>
<th>NC Public</th>
<th>Limited Use</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slow rate land application restricted public access</td>
<td>500</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Rapid rate land application</td>
<td>500</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Overland flow systems</td>
<td>500</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Transmission Facilities Conveying Reclaimed Water to Restricted Public Access</td>
<td>100</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Slow Rate Land Application Systems, Rapid Rate Land Application System, or Overland Flow Systems</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems</td>
<td>75</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Transmission Facilities Conveying Reclaimed Water to Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems</td>
<td>75</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Domestic Wastewater Residuals Land Application Areas</td>
<td>500</td>
<td>500</td>
<td>300</td>
</tr>
<tr>
<td>Phosphogypsum Stack Systems</td>
<td>500</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Aboveground or Underground Storage Tanks</td>
<td>100</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Solid Waste Disposal Facilities</td>
<td>500</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Yard Trash Disposal</td>
<td>200</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Storage or Treatment of Solid Waste in Tanks</td>
<td>100</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Onsite Sewage Disposal Systems</td>
<td>200</td>
<td>200</td>
<td>75</td>
</tr>
<tr>
<td>Sanitary Hazard</td>
<td>100</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Pesticide Treated Slab</td>
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<td></td>
<td>25</td>
</tr>
<tr>
<td>Dairy Farm Waste- Unlined Storage and Treatment, or High Intensity Areas</td>
<td>300</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Dairy Farm Waste- Land Application</td>
<td>200</td>
<td>200</td>
<td>200</td>
</tr>
</tbody>
</table>

1 This distance is reduced to 50 feet for irrigation wells.
Article 11  Wells and Septic Tanks

406.65.5  Territorial Jurisdiction; Administration in Incorporated Areas
The terms and provisions of this Article apply to all real property lying within the incorporated and unincorporated areas of Alachua County, Florida, located within the boundaries of the St. Johns River Water Management District. Where incorporated areas regulate construction, modification and abandonment of wells, Alachua County will coordinate registration activities.

406.66  Registration Required
Registration of wells and nonresidential septic tank systems is required for the following areas in Alachua County. Note that registration in accordance with these requirements does not satisfy water management district or health department registration and permit requirements.

(a) Wellfield Protection Zones
Registration is required prior to the construction, installation, replacement, operation, and abandonment of a well or nonresidential septic tank system within the wellfield protection zones identified in Article 10 of this Chapter.

(b) Wells in St. Johns River Water Management District
Registration is required prior to the construction, modification, or proper abandonment of any well less than six inches in diameter located within the SJRWMD boundaries in Alachua County.

1. Exemptions
The following are exempt from registration requirements of this Section:
   a. The wells (existing installations) described in F.S. § 373.316;
   b. A well constructed solely for the purpose of a test hole;
   c. Wells for the purpose of temporary dewatering; and
   d. Temporary monitoring wells installed in the surficial aquifer system as part of approved contamination assessment activities, per review and approval by St. Johns River Water Management District, United States Environmental Protection Agency, Florida Department of Environmental Protection, Alachua County Environmental Protection Department, and other appropriate agencies.

2. Sunset Provision
The registration requirement for wells in the St. Johns River Water Management District shall be deemed repealed at such time as rules of the SJRWMD that will require permitting of all wells of less than six inches in diameter within its jurisdiction become effective, or as delegated by the SJRWMD to the Alachua County Health Department. This shall not effect the requirement for registration in wellfield protection zones.

406.67  Registration Procedures
(a) Application
The application for registration shall be completed and signed by the owner or agent, and submitted to the Alachua County Environmental Protection Department. The application shall contain:
1. The name, address, telephone number, and signature of the property owner or agent;
2. The name, address, telephone number, and signature of the licensed contractor constructing the well or nonresidential septic tank;
3. The method of construction for the new construction, modification, or proper abandonment and the proposed starting date;
4. The intended well use;
5. The proposed well casing type, diameter, and depth;
6. The proposed length and type of screen (if any) to be used;
7. The proposed pump capacity in gallons per minute;
8. The location of the well (to the nearest quarter section), including subdivision name, and a site map to scale depicting landmarks;
9. The contractor’s and/or owner’s agreement to comply with this Chapter; and
10. The property owner’s Alachua County tax parcel number.

(b) Well Completion Report
A copy of the St. Johns River Water Management District well completion report will be sent to the County within 30 days of completion of construction, modification, or abandonment.

(c) Duration
Registration shall be valid for the time period the well or nonresidential septic tank system exists. Upon sale or legal transfer of a registered well or nonresidential septic tank system in a wellhead protection zone, the new owner or operator shall apply by letter to the county to change the registration.

(d) Abandonment
The owner or operator shall notify the department in writing within 45 days when a well or nonresidential septic tank system is no longer in use. Proper abandonment of nonresidential septic tank systems shall be conducted according to the procedures set forth in Section 64E-6.011, FAC. Wells shall be properly abandoned as set forth in §406.63(a), Existing Wells.

(e) Other Permits
Registration does not take the place of required local, state, or federal permits necessary to construct, operate, or properly abandon a well.

406.68 Well Construction Standards
All wells shall be constructed, modified, or properly abandoned by a licensed water well contractor following the rules of the water management district. In addition, the following rules apply in the areas below.

(a) State Areas of Contamination Concern
Contractors installing wells in areas delineated by the Florida Department of Environmental Protection for contamination concerns shall comply with requirements for well construction and water quality testing per Chapter 62-524 ‘New Potable Water Well Permitting in Delineated Areas’. State delineated areas in Alachua County are identified and mapped per Section 62-524.430 ‘Maps Containing Delineated Areas.’ This includes areas within the St. Johns River Water
Management District in Gainesville East, Micanopy, and Orange Heights United States Geological Survey Topographic Quadrangle maps and areas within the Suwannee River Water Management District in the Archer, High Springs, High Springs SW, Monteocha, Newberry and Waters Lake United States Geological Survey Topographic Quadrangle maps. State delineated maps for areas in Alachua County are available at the Alachua County Environmental Protection Department and attached to this ULDC.

(b) Fairbanks Special Construction Criteria Area

Contractors installing wells in the Fairbanks area of Alachua County are required to follow well construction and water quality requirements per St. John’s River Water Management District Fairbanks Special Construction Criteria in Chapter 40C-3, Florida Administrative Codes. Specific standards and construction methods required in the Fairbanks area are provided in Section 40C-3.502 and 40C-3.512. A copy of the Fairbanks Special Construction Criteria Area map is available at the Environmental Protection Department and as an attachment to these Land Development Regulations.
Article 12  Wastewater Treatment Facilities

406.69  Facility Design
Waste treatment facilities shall be planned and constructed at a scale that is compatible with the natural hydroperiod and the assimilative and hydraulic loading capacities of receiving surface waters, groundwater and associated wetlands in accordance with applicable state and federal requirements.

406.70  Wastewater Disposal Standards
Disposal of effluents of wastewater treatment processes shall be accomplished by environmentally sound procedures consistent with Florida Department of Environmental Protection regulations. The goal is to choose the disposal method most protective of natural resources. In addition, the following standards shall apply:

(a)  High Aquifer Recharge Areas
All new wastewater treatment plants in high aquifer recharge areas of Alachua County shall provide advanced waste treatment, including nutrient removal, prior to discharge. All existing wastewater treatment plants in high aquifer recharge areas shall be encouraged to upgrade to provide for advanced waste treatment.

(b)  Discharges to Surface Waters and Wetlands
Wastewater discharges to surface waters and wetlands shall be allowed only if all applicable federal, state, and local permits have been issued and the following criteria are satisfied:

1. The quantity, timing, and quality of the discharge maintains or improves water quality, biological health, and the function of the natural ecosystem.
2. Downstream waters are not affected by nutrient loading.
3. The project owner or developer prepares and implements maintenance and monitoring plans acceptable to the county.
4. The project owner or developer corrects any failures in design or operation of the system that causes degradation of water quality, biological health, or the function of the natural ecosystem.
5. The owner or developer posts a performance bond or similar financial guarantee to assure implementation of the maintenance and monitoring plan.
6. New or expanded direct discharges of treated effluent to surface waters are prohibited; wetlands treatment systems for the disposal of treated effluent are allowed.

(c)  Deep Well Injection
Expansion or renewal of existing deep well injection operations shall require a special use permit according to the process outlined in Chapter 402, Article 18, through which monitoring conditions will be established. New deep well injection shall be prohibited, except for the injection of high quality treated water (meeting state drinking water standards) for the purposes of aquifer recharge, storage, and recovery.

(d)  Spray Irrigation
All proposed sites for spray irrigation shall require development plan approval from the Development Review Committee, based on factors including but not limited to:
sufficient land area for direct application, buffers from adjacent land areas, and
emergency sites for adverse weather conditions. In addition, the following
standards shall be met:

1. Surface water runoff resulting from spray irrigation that impacts groundwater
or surface water shall not violate state water quality standards.
2. Spray irrigation sites shall be monitored monthly by the operator to identify
such problems as, but not limited to, ponding of effluent, bad odors,
vegetation problems, and damage to spray heads.
3. Perennial grasses shall be incorporated as a primary crop except where
reclaimed water is used for agricultural purposes as defined by the Florida
Department of Environmental Protection to implement water conservation
strategies. Use of supplemental crops to enhance nutrient removal is
encouraged.

(e) Rapid Infiltration Basins and Absorption Fields
The use of rapid infiltration basins and absorption fields is discouraged unless the
treatment process includes enhanced nutrient removal prior to discharge.

(f) Land Application of Biosolids
All proposed sites for land application of biosolids shall require a special exception
according to the process in Article 17, Special Exceptions, in Chapter 402, subject
to the following standards.

1. Minimum Lot Area
   The minimum lot area shall be 50 acres.
2. Minimum Setback Distances
   The minimum setback distance or buffer width for land application of
biosolids shall be as indicated in Table 406.70.1 or as required by state or
federal law if a greater setback is required. Any buffer designated as “to be
determined” shall be established by the Board of County Commissioners and
shall be dependent upon the existing or anticipated zoning and land uses
within an activity center or adopted special area plan. Land application of
biosolids shall not encroach into the required setback or buffer.
Table 406.70.1
Minimum Setback Distance for Land Application of Biosolids

<table>
<thead>
<tr>
<th>From</th>
<th>Min Setback (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding Florida Waters (OFWs)</td>
<td>1000¹</td>
</tr>
<tr>
<td>Surface waters or wetlands</td>
<td>200</td>
</tr>
<tr>
<td>Private potable water supply well</td>
<td>300</td>
</tr>
<tr>
<td>Public potable water supply well</td>
<td>500</td>
</tr>
<tr>
<td>Significant geologic features</td>
<td>200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent Future Land Use Designation</th>
<th>Min Buffer Width (feet) ²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Center</td>
<td>TBD³</td>
</tr>
<tr>
<td>Commercial</td>
<td>300</td>
</tr>
<tr>
<td>Industrial</td>
<td>300</td>
</tr>
<tr>
<td>Institutional</td>
<td>500</td>
</tr>
<tr>
<td>Conservation</td>
<td>500</td>
</tr>
<tr>
<td>Recreation</td>
<td>500</td>
</tr>
<tr>
<td>Urban Residential</td>
<td>750</td>
</tr>
<tr>
<td>Rural/Agriculture</td>
<td>300</td>
</tr>
<tr>
<td>Rural Employment Center</td>
<td>300</td>
</tr>
<tr>
<td>Rural Community Employment Center</td>
<td>300</td>
</tr>
<tr>
<td>Special Area Plan</td>
<td>TBD³</td>
</tr>
<tr>
<td>Tourist/Entertainment</td>
<td>500</td>
</tr>
</tbody>
</table>

¹Based on minimum setbacks required by FAC 62-640 Domestic Wastewater Residuals.

²Buffer type shall be high density, as described in Chapter 407 Article 4.

³To be determined by adopted Activity Center Master Plan or Special Area Plan.

3. **Compliance with State Regulations**

In addition to the requirements of this Section, the land application of biosolids shall comply with all federal, state and county laws. The facility generating or treating the biosolids must have a valid permit from the Florida Department of Environmental Protection (DEP) that includes an approved Agricultural Use Plan for the site.

4. **Protection of Ground and Surface Water Resources**

An applicant shall demonstrate methods for the protection of ground and surface water resources, including the potential for a permanent monitoring system. Surface water runoff resulting from land application of biosolids that impacts groundwater or surface water shall not violate state water quality standards. Runoff of biosolids to on-site and adjacent water bodies shall be prevented by not spreading during rainfall events or runoff periods. In areas where the Floridan aquifer is vulnerable or highly vulnerable, in stream-to-sink watersheds, or in springsheds, additional measures may be required to protect water resources.

5. **Protection of Adjacent Uses**

An applicant shall demonstrate methods for the protection of adjacent uses and properties from odor, dust, and other adverse impacts.
6. **Protection of Public or Private Water Supplies**
   An applicant shall demonstrate, where applicable, the impacts of a land application program on public or private potable water supply systems.

7. **Monitoring, Record Keeping, and Reporting**
   a. A specific monitoring plan and the reporting requirements shall be established in the conditions of the special exception. At a minimum, the monitoring plan shall be based on site-specific requirements, including the quantity of biosolids treated, historical variations in biosolid characteristics, the types of crops grown on the application site, the level of treatment of biosolids, and the compliance history of the facility. Records of application zones and application rates must be maintained and available for inspection. A summary of biosolids application activity shall be submitted on an annual basis.

8. **Competency**
   An applicant may be required to demonstrate competency and experience in the development, management, operation and maintenance of all elements of a land application program.

9. **Surety**
   As part of any development review of a land application of biosolids use, the Board of County Commissioners may require posting of an adequate surety to remedy damages to water resources and public or private potable water systems adversely affected by the operation of such use.

406.70.5 **Territorial Jurisdiction**
The terms and provisions of §406.71 through §406.75 shall apply to all real property lying within the incorporated and unincorporated areas of Alachua County, Florida.

406.71 **Inspection of Facilities**
Inspections, which may include sampling and analysis of wastewater treatment plant effluent, shall be conducted by the Alachua County Environmental Protection Department as necessary and appropriate. Domestic wastewater treatment facilities with historical non-compliance issues may be inspected more frequently than facilities found to be in compliance.

(a) Inspections and effluent sampling shall be conducted in accordance with Florida Department of Environmental Protection Standard Operating Procedures for Field Activities (DEP-SOP-001/01), as amended, for the purpose of determining compliance with this Article, state permits, permit conditions, and consent orders.

(b) All domestic wastewater treatment facility owners or operators shall appoint one or more designated representative(s) who are capable of and shall provide an authorized representative of the county access to the premises within 24 hours of a verbal request from the county where the permitted activity is located or conducted for the purpose of:

1. Having access to and copying any records that must be kept under the conditions of the facility permit or the requirements of this Article;

2. Inspecting the facility, equipment, practices, or operations regulated or required by the facility permit or the requirements of this Article; and
3. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with the conditions of the facility permit and to protect natural resources.

(c) Inspectors shall record relevant field observations concerning the facility and inform the owner, operator or designated representative of observations. Copies of laboratory analyses results from samples taken by the county shall be transmitted to the owner or operator. Laboratory analysis results from samples taken by the county shall not be utilized by the owner or operator for submittal to the State of Florida Department of Environmental Protection as part of the required self-monitoring program.

(d) Intentional obstruction or interference by any person with an inspection by a representative of the county shall be considered a violation of this Article.

406.72 Record Keeping
Copies of all records required to be maintained at the facility by state or county regulation shall be available for inspection at all times. An on-site operations and maintenance logbook required by the state shall be maintained and kept on-site in a weatherproof location. The owner or operator of each domestic wastewater treatment facility shall submit to the county a copy of all correspondence to the FDEP relating to permit violations, noncompliance, unauthorized discharges and monthly operating reports. The owner or operator will provide the county with a copy of other correspondence to FDEP if specifically requested, in writing, by the county.

406.73 Wastewater Discharges
It shall be unlawful and a violation of this code to discharge or cause the discharge of untreated wastewater from a wastewater treatment facility into surface water, groundwater or stormwater management systems within Alachua County. Additionally, any discharge of domestic wastewater from a wastewater treatment facility, which results in a violation of applicable Florida Administrative Code rules, shall be considered a violation. Discharges specifically authorized by, and in full compliance with, federal, state or local permits are not subject to the provisions of this Section unless the County can demonstrate a significant adverse environmental impact resulting from the permitted discharge.

(a) Reporting
All untreated wastewater discharges shall be reported by the owner or operator of the wastewater treatment facility to the county immediately upon discovery. Initial discharge reporting shall be followed up with a written or electronic notification within 72 hours of discovery. The notification shall contain at a minimum the following information:

1. Date, time, and location of discharge;
2. Amount of untreated wastewater discharged; and
3. A brief narrative, including description of impacted areas and any corrective actions and/or water quality samples collected; and
4. Water quality data from samples collected as a result of the discharge shall be forwarded to the department within 48 hours of receipt by the owner or operator of the wastewater treatment facility.

(b) Response
In the event of an untreated wastewater discharge, the owner or operator of the wastewater treatment facility must take appropriate immediate action to protect
human health and the environment. Appropriate immediate action may include, but is not limited to: wastewater recovery, lime application, water quality sampling and signage and notification.

406.74 Temporary Noncompliance
In the event the owner or operator of any domestic treatment plant, reuse, or disposal system is temporarily unable to comply with any of the conditions of a permit or this Article due to breakdown of equipment, power outages, floods or destruction by hazards of fire, wind or by other cause, the owner or operator shall notify the county in person or by telephone within 24 hours. The County may require the owner or operator to provide, within 30 days, an acceptable contingency plan for preventing the recurrence of similar events.

406.75 Adoption of State Regulations
(a) Alachua County hereby adopts the State of Florida Department of Environmental Protection’s general and specific permit conditions placed on individual wastewater treatment facilities pursuant to Florida Administrative Code Chapter 62-4 excluding the delegation of permitting responsibilities unless and until a specific operating agreement is approved by the FDEP and Alachua County.


(c) Any violation of any general or specific permit condition, effluent standard, domestic residuals regulation or operation or maintenance regulation shall be considered a violation of this Article. Any activity, which results in a violation of state water quality standards (Florida Administrative Code Chapters 62-302, 62-520, and 62-550), shall be considered a violation of this Article. The County will comply with the state interpretations of state rules.
Article 13  Historic Structures and Sites

406.76  Applicability
Historic resource is a comprehensive term that refers to both historic structures and sites, and archaeological resources and properties. For the purposes of this Article only, historic structures and sites, and archaeological resources, are treated as two distinct categories.

(a)  Purpose
It is the purpose of this Section to implement the Alachua County Comprehensive Plan; and to preserve, protect, restore, rehabilitate, and encourage adaptive use consistent with preservation of historic character of structures, sites, travel routes, cemeteries, districts, buildings, objects, or other real or personal properties with intrinsic historical or architectural value relating to the history, government, and culture of the State and County.

(b)  Significant Historic Structures and Sites
Significant historic structures and sites are those historic structures and sites that are listed, or are eligible for listing, on the National Register of Historic Places (see 36 CFR Ch. I, Part 60; www.cr.nps.gov/places.htm).

406.77  Identification

(a)  General Mapping
Maps of known historic structures and sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File, and by the Alachua County Department of Growth Management. Historic structures and sites have been inventoried in Alachua County, “Historic Structures Survey of Unincorporated Alachua County,” by Sherry Anderson, M.H.P. June 2000.

(b)  Site Specific Determination
Surveys and analyses for historic structures and sites shall be required prior to alteration of a property known or likely to contain structures or sites of historical significance.

1.  Where historic structures or sites are mapped, surveys and analyses shall be required by the County without recommendation of the Department of State, Division of Historical Resources.

2.  Where historic structures or sites are not mapped, surveys and analyses may be required by the County upon recommendation of the Department of State, Division of Historical Resources, or qualified professional.

(c)  Standards for Authorized Investigation
Surveys and analyses for historic structures and sites shall be conducted in accordance with standards and methodology for the natural and historic resources assessment, §406.04. Authorized investigations and reporting of historic structures and sites shall, at a minimum, conform to Chapter 1A-46, Florida Administrative Code, and the provisions and standards contained in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation", Sept. 29, 1983 (http://www.nps.gov/history/local-law/arch_stnds_0.htm), prepared under the authority of Sections 101(f), (g), and (h), and Section 110 of the National Historic Preservation Act of 1966, as amended. These documents are adopted and made part
406.78 Prohibited Activities
Except as otherwise expressly provided in this Section, no activity shall occur on a property that contains, or has reasonable potential to harbor, structures or sites of historical significance, without the appropriate analysis and opportunity for mitigation, as specified under §406.79 below.

406.79 Standards for Protection
(a) Preservation, restoration, or rehabilitation of historic structures shall be encouraged and incentives provided where possible.
(b) The demolition of a historic structure or a structure that is integrally related to a historic structure shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the structure(s).
(c) Adaptive use of historic structures consistent with preservation of their historic character shall be encouraged. Where possible, variances to building codes and regulations shall be made to facilitate the rehabilitation and maintenance of historic structures. Historic structures originally built for residential use shall be maintained as residential dwellings to the greatest extent possible, but may be adapted to other uses.
Article 14 Archaeological Resources

406.80 Purpose
It is the purpose of this Article to implement the Alachua County Comprehensive Plan, and to preserve, protect, and restore archaeological resources. These resources constitute the physical evidences of past human activity, as well as evidences of the effects of that activity on the environment, including but not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other sites, landforms, properties, objects or features with intrinsic archaeological value.

406.81 Significant Archaeological Resources
Significant archaeological resources are those archaeological resources that are listed, or are eligible for listing, on the National Register of Historic Places (see 36 CFR Ch. I, Part 60; www.cr.nps.gov/places.htm).

406.82 Identification
(a) General Mapping
Maps of known archaeological sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File. Areas of known or probable archaeological resources have been modeled in Alachua County, “An Archaeological Survey of Unincorporated Alachua County, Florida (Phase I and Phase 2), by Southeastern Archaeological Research, Inc., October 2001.

(b) Site-specific Determination
Surveys and analyses for archaeological resources shall be required prior to alteration of a property known or likely to contain resources of archaeological significance, as set forth for historic sites and structures in §406.77(b).

(c) Standards for Authorized Investigation
Surveys and analyses for archaeological resources shall be conducted in accordance with standards and methodology appropriate to archaeological resources, as set forth for historic sites and structures in §406.77(c).

406.83 Prohibited Activities
Except as otherwise expressly provided in this Section, no development activity involving ground disturbance shall occur on a property containing, or having reasonable potential to harbor, resources of archaeological significance, without the appropriate analysis and opportunity for mitigation as specified in §406.84.

406.84 Standards for Protection
(a) Avoidance, minimization, and mitigation (in that order of preference) of adverse impacts on significant archaeological resources shall be required as appropriate to the scale and significance of the resource.

(b) Development orders for parcels containing known or suspected areas of archaeological significance shall be conditioned, where appropriate based on recommendation from qualified professional, to accomplish the following:

1. Insure proper archaeological investigation prior to construction; and, where appropriate, avoidance, minimization, and mitigation of impacts.
2. Preserve and provide perimeter buffering around significant archaeological sites in order to maintain the security and integrity of the resource. This may include, if necessary, alteration to the proposed or originally approved development plan.

3. Where archaeological sites are to be preserved, incentives to encourage retention of these areas may be provided.

(c) Mitigation of archaeological resources may include but is not limited to the following:

1. The excavation of an archaeological resource or an object or property that is integrally related to a significant archaeological resource shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the resource(s).

2. Adaptive use of archaeological landforms or properties consistent with preservation of their archaeological character shall be encouraged.

(d) When unmarked human remains are discovered during excavation, construction, development or any other circumstances, such discovery must be reported to the State Archaeologist (850-245-6322), or to the County Medical Examiner, District 8 (see www.fdle.state.fl.us/cjst/mec/DMElst.pdf), as appropriate. Any activities on the site that may disturb the remains shall not be resumed until authorized in writing by such offices. This requirement is enforced under Florida Statutes, Sections 872.02 and 872.05, and is a violation of this Code (see also www.flheritage.com/archaeology/FS872/procedure.cfm).
Article 15  Paleontological Resources

406.85  Purpose
It is the purpose of this Section to implement the Alachua County Comprehensive Plan, and to preserve, protect, and restore paleontological resources through recovery concurrent with onsite ground disturbing activities. Paleontological resources constitute the physical evidences of non-human life forms which lived in the past, generally 7,000 years ago or more, i.e. during and prior to the Rancholabrean glaciation, the most recent glaciation which earth has experienced. These resources may include, but are not limited to: fossils, traces, imprints, objects, sites, or other real or personal property of paleontological value.

406.86  Significant Paleontological Resources
Significant paleontological resources include but are not limited to scientifically significant fossil finds, as well as those resources determined to be significant in the field based on number, type, and context of the resource.

(a)  A "scientifically significant fossil find" is a fossil or fossils consisting of at least one of the following:

1. two or more teeth attached to a jawbone (mandible or maxilla);
2. half or more of a skull;
3. six or more bones of a skeleton arranged as they were in the living animal (articulated);
4. fifty or more bones and teeth found in close proximity, not necessarily from the same species, excluding shark, fish, and ray teeth, spines, and scales;
5. three-fourths or more of an articulated exoskeleton of a crab, shrimp, insect, or other arthropod;
6. an articulated skeleton of a starfish or sea star (but excluding finds of the more common sea urchins or sand dollars [echinoids]);
7. impressions or fossilized remains of leaves, fruit, nuts, or other macrobotanical structures.

(b)  Specifically excluded are the most common types of fossils found in Alachua County, listed below:

1. isolated teeth of sharks, rays, fish, dolphin, sperm whale, horse, bison, llama, or peccary;
2. isolated spines and vertebrae of sharks, rays, and fish;
3. dugong ribs and vertebrae;
4. isolated dolphin and whale ear bones and vertebrae;
5. isolated vertebrae, ribs, and leg bones of horse, llama, peccary, bison, and other mammals;
6. shells of clams, oysters, snails, and other mollusks;
7. sea urchins and sand dollars;
8. foraminifera ("coin fossils");
9. any fossils of marine or aquatic animals, plants, and protists whose total size is less than 0.1 inch; and
10. fossil pollen or phytoliths (microscopic-sized remains of plants).
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Article 15. Paleontological Resources

406.87 Public Projects
When significant paleontological resources are encountered in the course of construction or maintenance of any public project, or on any publicly owned land, the County Manager shall be notified within 24 hours of the discovery, and further activity within 100 feet of the resource shall be postponed to allow proper paleontological investigation. The County Manager shall report the discovery to the Florida Museum of Natural History, and reasonable opportunity shall be provided for Museum personnel to investigate and excavate the resource prior to further disturbance. The following practices are specifically prohibited:

(a) No person shall conduct field investigations on, or remove or attempt to remove, or deface, destroy, or otherwise alter any paleontological resource or property, except in the course of activities authorized by the County Manager.

(b) No person shall offer for sale or exchange any object with knowledge that it has been collected or excavated in violation of this Section, or procure, counsel, solicit, or employ any other person to violate any prohibition contained herein, or to sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any paleontological resource or property excavated or removed, except with the express written consent of the County Manager.

(c) In the instance that specimens, objects, and materials are removed or attempted to be removed, or defaced, destroyed, or otherwise altered, each item may constitute a separate violation. In addition, all such specimens, objects and materials, together with all photographs and records relating to such materials, shall be forfeited to the County.

406.88 Private Projects
When significant paleontological resources are encountered in the course of construction or maintenance of any private project, notification to either the County Manager or the Florida Museum of Natural History is encouraged. Upon notification, Museum personnel will perform appropriate paleontological investigations and excavations concurrent with site grading, installation of utilities, stormwater construction, or other land disturbing activities, in a manner that minimizes disruption to the construction activity and project schedule.
Article 16 Significant Geologic Features

406.89 Purpose
It is the purpose of this Section to promote the public health, safety, and general welfare of the citizens of Alachua County; to implement the Alachua County Comprehensive Plan; and to preserve, protect, and improve geologic features which are significant due to the interrelationship of natural resource values, characteristics, and hazards with land capability and suitability. Significant geologic features include but are not limited to: point source features such as sinkholes, caves, and limestone outcrops; lineal features such as lineaments, ridges, escarpments, and springs; and areal features such as steep slopes and springsheds.

406.90 Protection Strategies
Strategies for protection shall be based on the unique characteristics of the resource and shall be tailored to address diverse geometries, connections to surface water and ground water, habitat functions and values, and the dynamics of natural systems processes. Avoidance, minimization, and mitigation of significant adverse impacts shall be required. Strategies may include but are not limited to the following.

(a) Onsite Protection
1. Significant geologic features shall be designated and protected as conservation management areas in accordance with the requirements of Article 17 of this Chapter. Significant geological features that are capable of being managed onsite shall be identified on development proposals and protected during construction and after development.
2. Features may be incorporated as aesthetic elements into the project design for a site.
3. Natural topographic features may be retained through lot layout and infrastructure siting within the context of significant geologic features.

(b) Buffers for Significant Geologic Features
Perimeter edge buffering shall be required around protected significant geologic features in order to maintain natural context, edge vegetation, and structural protection. Absent scientific information which demonstrates that another buffer width is appropriate, the following default buffer widths shall be applied:

1. Sinkholes: an average of 50 feet, but no less than 35 feet away from the outermost closed contour.
2. Caves, lineaments, ridges, and escarpments: an average of 75 feet, but no less than 50 feet, away from the outermost contour associated with the feature.
3. Springs, and significant geologic features located within springsheds: an average of 150 feet, but no less than 100 feet, away from the outermost contour associated with the feature.
4. Sinkholes, swallets, quarries, karst windows, or other water containing features that are surface expressions of the Florida aquifer shall have an average buffer width of 150 feet, but no less than 100 feet, away from the outermost contour associated with the feature.
(c) **Habitat Functions**

In instances where geologic features function as habitats for listed species, special protection will be provided commensurate with the character of the habitat and needs of the species.

(d) **Use of Best Management Practices**

Use of best management practices may be required to minimize erosion and maintain water quality, as provided in the Alachua County Water Quality Code, including but not limited to: Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988) (see Rules 40C-4.381(1)(d), 40C-42.032(2)(a)7, 40B-400.115(1)(d), F.A.C.)

(e) **Alternative Compliance**

1. Applicants may request a reduction in buffer width provided the following criteria are met:
   a. Demonstration that the activity cannot occur in any other feasible location outside of the designated buffer area or that it is the most appropriate location to limit impacts to regulated resources based on existing site conditions; and
   b. Efforts have been made to minimize disturbance of the buffer consistent with §406.113 of this Chapter; and
   c. The activity will not impact the integrity of the feature or cause water quality impacts to the surficial, intermediate or Floridan aquifer.
   d. Requests to reduce buffer widths for development requiring only a building permit must be made through the pre-application screening process described in §402.04. Requests to reduce buffer widths for development requiring development plan review must be made with the development plan application.

2. Alternatives to onsite protection may be considered when physical constraints of the parcel preclude maintenance of the integrity of the resource, given considerations as to size of the development site, resource quality, connectivity to the Floridan Aquifer, adjacent uses, and feasibility of management. Any activity permitted within or affecting a significant geological feature onsite or adjacent to the site (same or contiguous tax parcel) causing a significant adverse impact shall be mitigated at the expense of the landowner. Alternative compliance proposals must be submitted to the DRC or BOCC if water resources or water resources buffers will be impacted and must maintain or improve the level of resource functions and values, in accordance with the standards of §406.114.

### 406.91 Sinkhole Management

Management strategies for sinkholes and sinkhole-prone areas shall be applied as part of the development approval process to protect water quality, hydrologic integrity, and ecological value. Management strategies may include, among other techniques, filling and development restrictions, buffers, runoff diversion, muck and debris removal, berm and weir construction, and filtration.
(a) Sinkholes

Open sinkholes and sinkholes with stream inflow shall be identified and protected as conservation management areas. The sinkhole shall be fully protected or restored as a natural area as required in subsection 1 below. Where the applicant seeks to continue access or make improvements to existing access, a special exception shall be sought as provided in subsection 2 below.

1. Restoration Plan

   The applicant shall submit a plan that demonstrates the elimination of access and the restoration of the land to a natural condition, including stabilization of erosion channels, limiting drainage from non-natural areas, and restoration of buffer areas that have been disturbed.

2. Access

   If there are (or were) points of access to the sinkhole’s bottom or if access is proposed, all the conditions in (a) above shall be met. In addition, an applicant for development shall demonstrate the following in the proposed management plan, or if access to the sinkhole is proposed after a management plan has been approved, a revised management plan must be submitted for review, demonstrating the following:

   a. That there is a recreational or scientific benefit that the public derives from the retention or creation of access. If access exists, show that use of the area is such that closing the access would not be practical based on the current level of use.

   b. That all sources of erosion or pollution within the sinkhole buffer and the sinkhole are mitigated to eliminate or reduce erosion and pollution to the lowest reasonable level.

   c. That the access is the minimum needed to meet the needs. The route chosen shall be the least damaging and least vulnerable to erosion.

   d. That a plan for the maintenance of the access, stormwater controls, waste collection, and landscaping has been submitted, approved by the County, and funded.

(b) Sinkhole Buffer

The buffer areas around sinkholes or other karst surficial features are intended to protect the feature and groundwater by providing areas where surface or subsurface flows into the features are preserved or restored to a natural condition, allowing vegetation and soil dwelling life to clean the water and trap surface debris, and restoration of tree canopy to maintain microclimate conditions within the feature.

(c) Drainage Area of Sinkhole

The drainage area is the surface drainage shed of the sinkhole. The management objective is to limit impervious surfaces and design drainage to ensure that sediments or contaminated water does not reach the feature. The following should govern the design of development within the drainage area:
1. **Recharge**
   The stormwater management facilities for any development should be located as far from the feature as possible, including outside the drainage area so that stormwater flows toward the feature are reduced.

2. **Professional Geologic Study**
   A professional geologic study may be required to assess subsurface conditions for avoiding recharge over significant solution channels.

### 406.92 Other Karst Features

(a) **Karst Sensitive Areas**
   Retention areas constructed in karst sensitive areas (where rock surfaces are within 10 feet of land surface) shall be designed and constructed to minimize the potential to allow water to flow directly into the aquifer. Minimally, this shall require three feet of unconsolidated soil material between the surface of limestone bedrock and bottom and sides of stormwater basin. More stringent requirements may apply based on potential for contamination to the Floridan aquifer.

(b) **Water Bodies**
   Lakes and ponds in the County are often old sinkholes. A hydrogeological study may be required to determine the degree to which the lake or pond basin is connected to the aquifer or providing flow to nearby springs.

   1. Where the water body is an open sinkhole, a periodically drained water body, or otherwise hydraulically connected water bodies (ex. where water level fluctuates in response to climatic or groundwater conditions), it shall be treated as an open sinkhole (see above).

   2. Where the water body is connected erratically, it shall be treated as a sinkhole unless geological studies and water quality studies can show that other techniques can be used to ensure recharge is meeting the pre-development standard.

(c) **Subsurface Channels**
   A professional geologic study may be required to determine locations that are likely to drain to subsurface channels or conduits. The protection area for subsurface channels is 100 feet on both sides of the channel.

   1. **Stormwater**
      Stormwater facilities should be located outside the subsurface channel area where possible. If not possible, stormwater facilities shall be located to minimize any threat that the increased level of recharge will open or enlarge sinkholes or weaken areas so that new channels are opened.

   2. **Impervious Surfaces**
      Maximize the disconnection of impervious surfaces with green roofs, rain barrels, vegetated swales, or retention with vegetative uptake or irrigation.

   3. **Excavation**
      All permitted excavations shall be conducted in areas where there is the lowest risk of encountering sand-filled sinkholes or where rock is riddled with small channels or has a high porosity. No mining shall be permitted.
4. **Septic Systems**  
   No septic systems shall be permitted in the subsurface channel area.

(d) **Closed Depression**  
   Closed depressions are areas where there is a significant probability that there are sand-filled sinkholes that have no surface indication. A professional geologic study may be required with the express objective of locating any sinkholes that are not visible from the surface. The study shall map all sinkholes and their buffers. Any land remaining in the closed depression that is not a sinkhole or sinkholes buffer will continue to be treated as a closed depression.

406.93 **Steep Slopes**  
Where steep slopes greater than or equal to five percent are found adjacent to watercourses, existing vegetation shall be substantially retained to minimize erosion consistent with best management practices and surface water and wetland buffers.

406.94 **Seepage Slopes and Shallow Groundwater Tables**  
Development shall be designed to include retention of the natural character of seepage slopes and shallow ground water tables.
Article 17 Conservation Management Areas

406.95 Purpose
The purpose of this Article is to provide for the conservation and management of natural resources when obtaining approval of a development order. Regulated natural and historic resources shall be protected onsite in the form of conservation management areas as set forth below.

406.96 Size
The amount of land to be protected within a conservation management area shall include the entire regulated natural or historic resource, as well as additional areas such as buffers, setbacks and linkages that preserve natural systems functions.

406.97 Site Selection and Design
Conservation management areas shall be designed and maintained in areas with intact vegetation, including canopy, understory and groundcover where applicable, in functional, clustered arrangement, with logical contiguous boundaries to eliminate or minimize fragmentation to the greatest extent practicable. Where alternative sites exist, the site or sites selected for onsite protection shall be the best suited to preserve ecological integrity, maximize use by wildlife and maintain the long-term viability of natural plant or animal communities. The selection shall be based upon the following:

(a) Function and value of natural resources;
(b) Quality and condition of natural resources;
(c) Protectability and manageability;
(d) Size and shape (emphasis should be on avoiding enclaves of development or areas fragmented by development; and, on providing, where appropriate, adequate buffers from the secondary impacts of development and adequate wildlife corridors);
(e) Contiguity with adjacent existing habitat, functional wetland system, floodplain, or habitat corridor;
(f) Existing species population sizes and life history requirements;
(g) Proximity and accessibility to other populations of the same species;
(h) Compatibility of conservation with adjacent land uses; and
(i) Recommendations from the Florida Fish and Wildlife Conservation Commission and other appropriate agencies.

406.98 Location
Conservation management areas shall be located in one or a combination of the following configurations:

(a) Common open space;
(b) Entirely within the boundaries of a single individual lot; or
(c) Across multiple agricultural lots greater than 200 acres in size, designed to minimize impact to conservation resources and allowed as part of an approved Special Area Plan.
406.99 Permitted Uses

The use of conservation management areas shall be limited to that which is compatible with protection of the ecological integrity of the protected resources. The following uses may be permitted as part of an approved management plan, provided they do not adversely affect natural resource function and ecological integrity:

(a) Nature trails (mulched walking paths, elevated wooden walkways);
(b) Low intensity, passive recreational activities such as wildlife viewing and hiking;
(c) Scientific and educational activities (interpretive trails, observation points);
(d) Site investigative work such as surveys, soil logs, and percolation tests;
(e) Scenic, historic, wildlife, or scientific preserves;
(f) Ongoing agricultural and silvicultural activities that:
   1. are consistent with the protection of the natural resource(s) identified on the site for protection under the management plan; and
   2. to the extent consistent with the protection of such resources, follow certification programs or Best Management Practices as set forth in §406.05(c);
(g) Single-family residential dwellings established as part of an approved management plan, special area plan, or as adopted within a Rural Lands Stewardship Area;
(h) Constructing fences where no fill activity is required; and
(i) Other uses demonstrated to be compatible with natural resource protections as outlined in the management plan.

406.100 Prohibited Activities

The following activities are prohibited unless part of an approved management plan:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.
(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.
(c) Removal or destruction of native trees, shrubs, or other vegetation.
(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.
(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
(g) Acts or uses detrimental to such retention of land or water areas.
(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

406.101 Discharges to Protected Areas

Wastewater and stormwater discharges to conservation management areas are generally prohibited. If discharges are allowed in conservation management areas the following criteria shall be satisfied:
(a) The quantity, timing, and quality of discharge maintain or improve water quality, biological health, and function of the natural ecosystem.

(b) Downstream waters are not affected by nutrient loading.

(c) The project owner or developer prepares and implements an operation, maintenance and monitoring plan acceptable to the County.

(d) The project owner or developer corrects any failures in design or operation of the system that cause degradation of water quality, biological health, or the function of the natural ecosystem.

(e) The owner or developer posts a performance bond or similar financial guarantee to assure implementation of maintenance and monitoring consistent with the provisions of §406.114(h).

(f) Treatment is provided in accordance with the requirements of §407.94, Water Quality Criteria, and the requirements of the appropriate water management district.

406.102 Protection During Construction

Prior to and during parcel alteration, the conservation management area boundaries shall be clearly marked and appropriately protected as follows.

(a) Physical protection barriers shall be installed around the outer extent of the set aside portion of conservation management areas as necessary to prevent disturbance by individuals and equipment. Protective barriers must be installed and approved prior to commencement of permitted activities and maintained in place until activities are complete.

(b) Erosion and turbidity control measures shall be required in order to prevent runoff of turbid water into conservation management areas.

(c) In addition to mitigation required pursuant to this Chapter, the developer shall completely restore any portion of a protected conservation management area damaged during the proposed activity. Certificates of occupancy shall not be issued until restoration activity has been completed.

406.103 Permanent Protection

Conservation management areas shall be permanently protected as follows:

(a) Dedication

All areas protected under this Section shall be restricted from further subdivision, and protected in perpetuity using a legal instrument that runs with the land, in a form acceptable to the County and duly recorded in the public record which assures the preservation and continued maintenance of the conservation management area.

1. The preferred legal instrument shall be a conservation easement in accordance with F.S. 704.06, to be recorded in the public records of Alachua County, which shall restrict the use of the land in perpetuity to non-development uses and be expressly enforceable by the County.

2. Other forms of dedication may be considered by the County if comparable protection is demonstrated which assures the preservation and continued maintenance of the conservation management area.

3. For building permits on undeveloped lands that contain regulated natural or historic resources, or other administrative approvals as described in §402.48.
Chapter 406. Natural and Historic Resources Protections
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that impact regulated natural or historic resources, unless exempt under §400.04(d), a notification that the property contains such resources signed by the owner shall be recorded in the public record in a form approved by the Environmental Protection Department. A permanent protection instrument may be required if the application is associated with enforcement or mitigation.

4. The County may issue development approval subject to the recording of the approved legal instrument. Issuance of construction and building permits shall be withheld until proof of recordation is provided to the County.

(b) Plat Notations
The boundaries of designated conservation management areas, including any required buffers, and the building area limitation as required by §406.03(b) for lots located within the conservation management areas shall be clearly delineated on development plans, plats, and deed restrictions, and a legal description of the boundaries shall be included. A plat shall identify express prohibitions preceded by the following statement:

The activities/acts/uses identified below are prohibited in designated "conservation management area(s)" unless part of an approved management plan without express written permission from the Alachua County Environmental Protection Department. Violation of any one of these provisions without such written permission shall be considered a discrete violation of a Development Order issued by the Alachua County Board of County Commissioners. Development Order terms are enforceable by the Alachua County Codes Enforcement Board. Violations may result in monetary penalties of up to $15,000 and/or order to restore conservation area(s) to preexisting conditions at the expense of the owner(s). Failure to comply with Codes Enforcement Board orders may result in liens against the property.

Prohibited activities/acts/uses in "conservation management area(s)"

i. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

ii. Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

iii. Removal or destruction of native trees, shrubs, or other vegetation.

iv. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

v. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

vi. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

vii. Acts or uses detrimental to such retention of land or water areas.
viii. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

(c) Field Markers
Permanent survey markers using iron or concrete monuments to delineate the boundary between conservation management areas and contiguous land shall be set, according to current survey standards. Markers shall be installed prior to issuance of the initial certificate of occupancy or other final approval, and shall be maintained by the owner in perpetuity.

(d) Signs
1. The perimeter of conservation management areas shall be permanently identified with uniform signs that identify the area as protected conservation area.
2. When signage is required by another governmental agency and coincides with County requirements, the alternate signage shall satisfy this requirement.

(e) Identification on Zoning Map Atlas
Areas protected as conservation management areas may be rezoned to a conservation zoning category with landowner approval at the County’s expense.

406.104 Management Requirements
Conservation management areas shall be maintained in compliance with standards set forth in this Chapter and any required management plan.

(a) Responsibility
Unless otherwise agreed by the County, the cost and responsibility of managing the protected area shall be borne by the owner or responsible entity.

(b) Minimum Requirements
Management shall maintain or enhance the ecological value of the protected area and support the survival of listed species. Management shall include but not be limited to the following:

1. Non-native vegetation shall not be introduced into the protected area. Invasive vegetation shall be removed if possible, or reduced to a level of non-interference with the growth of native vegetation. Removal shall be accomplished utilizing ecologically sound techniques, including manual removal, hand-held power equipment, and prescribed burning. Trees which are actually used as nest or perch trees shall be retained but controlled. All vegetative debris must be disposed of outside the protected area.
2. Dead trees that are not a hazard to humans and that provide habitat for wildlife shall remain in the protected area.
3. Where removal occurs, replacement with appropriate native species may be required.
4. Future owners, tenants, or other users of the protected area and resource shall be informed of the specific requirements of the approved management plan, and relevant state and federal laws. Information shall consist of tangible materials, including but not limited to deed or title notes, brochures and signage.
5. Fencing may be required to control access to the protected area.

(c) Management Plan
A management plan may be required in order to provide long-term protection and maintenance of the values and functions of the conservation management area, in accordance with Article 20 of this Chapter. The parcel owner shall maintain the protected area in accordance with the management plan. Adequate financial resources to maintain and manage the protected area may be required. Modifications to the management plan are prohibited without prior written approval by the County.

(d) Failure to Maintain
If the conservation management area is not properly maintained or managed, the County may assume responsibility of maintenance and may charge the property owners or responsible entity a fee which covers maintenance and administrative costs.

406.105 Ownership of Conservation Management Area
(a) The conservation management area may be owned by one or a combination of the following:
   1. Landowner;
   2. Homeowners’ association;
   3. Established land trust;
   4. Non-profit conservation organization;
   5. Alachua County, with approval;
   6. Other public agency with conservation responsibilities and expertise (e.g. Water Management District).
(b) If the conservation management area is not properly maintained in accordance with the approved management plan, the County may assume responsibility of maintenance and charge the property owner or homeowners’ association a fee which covers maintenance and administrative costs.
Article 18  Preservation Management Areas

406.106  Purpose
It is the purpose of this Section to implement policies in the Alachua County Comprehensive Plan to protect lands within the Preservation category on the Future Land Use Map of the Comprehensive Plan. Preservation areas shall consist of publicly owned lands, including lands owned and managed by non-profit conservation organizations which are intended for use as natural reserves or managed conservation lands for the preservation of natural resources in perpetuity.

406.107  Natural and Historic Resources Protections Applicable
The provisions of this Chapter shall apply to the regulated natural and historic resources that are included within publicly and privately owned preservation areas, in addition to other regulations applicable under this ULDC.

406.108  Preservation Buffer Overlay District
The provisions of Chapter 405 Article 8, shall apply to lands adjacent to public parks or preserves established for the purpose of preserving natural habitat, or lands designate as Preservation according to the Future Land Use Map of Alachua County, or an equivalent category designated on the Future Land Use Map of any adjacent jurisdiction.

406.109  Intergovernmental Coordination
Where adjacent lands are not located within unincorporated Alachua County, the following shall apply:

(a) Alachua County shall make available maps of all preservation management areas to adjacent municipalities and counties, so that adjacent jurisdictions have knowledge of the existence and location of these areas.

(b) Alachua County shall seek to enter into agreements with adjoining jurisdictions, under which the adjoining jurisdictions shall adopt or otherwise implement the standards of the preservation buffer overlay to protect the natural resources within County preservation management areas.

(c) Alachua County shall request the local government authority with jurisdiction for development approval to notify Alachua County upon receipt of any application for development or land clearing within the preservation buffer overlay, and to provide reasonable opportunity for the County to provide written comments and recommendations.

(d) Alachua County shall pursue all appropriate judicial and administrative remedies to prevent or compensate for adverse impact to preservation management areas due to activities on lands in adjacent jurisdictions.
Chapter 406. Natural and Historic Resources Protections

Article 19. Wildfire Hazard Mitigation - RESERVED

Article 19  Wildfire Hazard Mitigation - RESERVED
Article 20  Management Plans

406.110  When Required
A management plan shall be required for all development applications involving properties with greater than or equal to five acres of regulated natural or historic resources areas whether or not impact is proposed; and may be required for properties with less than five acres of regulated natural resources where impact is proposed. The management plan shall be submitted for review and approval concurrent with submittal of the application. Applications for administrative permits that require a management plan may use the template provided by the County identified in §406.112(f).

406.111  Professional Standards
The management plan shall be prepared at the expense of the applicant by person(s) qualified in the appropriate fields of study, and conducted according to professionally accepted standards.

406.112  Contents
The management plan shall provide for the following:

(a)  Description of goals and objectives based on type of natural resources to be managed;
(b)  Description of all proposed uses, including existing and any proposed physical and access improvements;
(c)  Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;
(d)  Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected. This may include:
   1.  Removal or control of invasive vegetation and debris;
   2.  Replanting with native vegetation as necessary;
   3.  Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;
   4.  Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;
   5.  Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;
   6.  Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;
   7.  Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation in accordance with the requirements of Article 19 of this Chapter;
   8.  Set of schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;
   9.  Performance standards with criteria for assessing goals and objectives;
10. Five-year monitoring plan with schedule and responsibility;
11. Ownership and party responsible for management activities;
12. Provision for changes to be reviewed and approved by the County; and
13. Contingency plans for corrective measures or change if goals not met, and recognition of County enforcement authority.

(e) Revision of an Approved Management Plan
Modifications to an approved management plan that do not result in lesser protection of the resource(s) present may be allowed, subject to approval by the County development review body that approved the original management plan.

(f) Management Standards in lieu of Plan
The agreement to use management practices in accordance with a standard management plan template provided by the County may satisfy the requirement of a management plan.

(g) Enforceability
The existence of the management plan shall be noted on plans and plats, covenants and restrictions, conservation easements and other documents as appropriate to the type of development and manner of protection provided. The management plan shall be specifically enforceable by the County.
Article 21 Avoidance, Minimization, Mitigation, Corrective Action and Monitoring

406.113 Applicability
Approval shall only be granted for proposed activities that are located, designed, constructed, and maintained to avoid, minimize, and, where necessary, mitigate adverse impacts on regulated natural and historic resources, consistent with upland habitat limitations under Article 3, Article 4 and Article 5 of this Chapter, the requirements for surface waters and wetlands found in Article 6 of this Chapter and the requirements for tree preservation in Article 2 of this Chapter.

(a) Avoidance Measures
Specific measures for avoidance which will be required prior to authorization of any adverse impact may include, but are not limited to, the following:

1. Limiting the scope, degree or magnitude of the proposed activity.
2. Using appropriate and best available technology.
3. Sensitive site design, siting of facilities, and construction staging activities.
4. Exploring alternative on-site locations to avoid or reduce impacts of activities.
5. Scheduling proposed activities at times of minimum biological activity to avoid periods of migration, rearing, resting, nesting and other species-specific cycles and activities.
6. Managing the access to conservation management areas, such as fencing designed to separate wildlife and pets or to exclude humans from sensitive denning or breeding areas.

(b) Minimization Measures
The following special design standards may be required to minimize disturbance caused by activities adjacent to natural resources:

1. Minimum setbacks for clearing of native vegetation adjacent to regulated natural resources, or for construction of impervious surfaces greater than 100 square feet in base coverage.
2. Limiting native vegetation removal to the minimum necessary to carry out the proposed activity or to meet fire hazard standards. Protection of tree crowns and root zones may be required for all trees planned for retention.
3. Roads and other development features located to follow existing topography and minimize cut and fill.
4. Designing stormwater to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales; multi-purpose use of stormwater management systems; use across or for multiple properties.
5. Using performance-based treatment systems, or siting septic tanks and drainfields to prevent discharges that adversely impact the environmental quality of regulated natural and historic resources.
6. Limiting residential density and building area in accordance with §406.03(b) of this Chapter.
7. Other reasonable protective measures necessary to minimize adverse effects may be required depending on conditions specific to a particular site.
(c) Mitigation Measures

Where impacts to regulated natural resources cannot be avoided, mitigation may be required subject to the requirements of §406.114 below. Mitigation of significant adverse impacts to Conservation or Preservation areas within the County shall be required for both public and private projects, in accordance with criteria specific to the resource and criteria generally applicable to mitigation proposals as set forth herein.

406.114 Mitigation

Mitigation of significant adverse impacts on conservation and preservation areas shall include funding for the acquisition and management, preservation, replacement, or restoration of significant ecological resources. A proposal for mitigation of significant adverse impacts must meet the following general mitigation standards. Mitigation of impact to wetlands and wetland buffers is provided in Article 16 of this Chapter. Mitigation of impact to regulated trees is provided in 406.08(c)3 of this Chapter.

(a) Determination of Impact

Significant adverse impacts to a conservation or preservation area shall be evaluated based on the terms of the natural function and value of the resource. Mitigation shall be acceptable only where it is determined that mitigation will result in no actual net loss of the resource function and value.

(b) Characteristics of Mitigation Proposals

A mitigation proposal shall provide compensation for all functions and values of impacted resources by protecting two times the area of comparable resource type, and good or superior resource quality, as the area being impacted, except where no other access is available and impact is allowed in the least sensitive portion of the resource, in which case mitigation shall be reduced to a replacement ratio of 1:1. The following characteristics shall be included in the proposal:

1. The hydrologic, soil, slope, and other basic characteristics of the proposed project must be adequate to achieve proposed project goals.
2. The mitigation area must be at least as persistent as the existing natural resource it is intended to replace.
3. The size of the mitigation area shall be based on the quality of habitat or vegetation on both the area of impact and the area of proposed mitigation.

(c) Resource-Based Mitigation

Where mitigation is required by this Chapter, resource-based mitigation may be provided on or adjacent to the site, or offsite. The order in which mitigation will be considered shall be:

1. Onsite Restoration or Enhancement

An applicant may mitigate for impacts onsite by replanting on or adjacent to the parcel, relocating movable resources from one portion to another portion of the parcel, or other measures to restore the quality, function and value of the resource. An easement may be required to ensure the continued viability of the area to be restored or enhanced.
2. **Offsite Preservation**

The applicant may provide offsite mitigation through the preservation of land through offsite dedication, transfer of fee or less than fee simple title to a land conservation agency, non-profit conservation organization, or other entity approved by the County. Portions of offsite conservation management areas requiring protection under this ULDC shall not be used as credit towards a mitigation proposal. Mitigation of impacts to a regulated plant or animal species or its habitat that is required by a State or federal agency (such as the water management districts) shall be applied towards offsite mitigation if it is for the same development project and meets the following requirements:

**a.** Offsite protection sites shall meet all appropriate size, site selection and design, protection, ownership and maintenance, and other provisions of this Chapter applicable to onsite conservation management areas. Fencing may be required to control access to the mitigation area.

**b.** Offsite conservation management areas shall be located in Alachua County and may include:

- **i.** Sites composed of addition of land to existing publicly managed areas held for conservation purposes, such as State or County parks or preserves;
- **ii.** Sites recommended for preservation or restoration by a State or local governmental land conservation agency; or
- **iii.** Other suitable sites within an ecosystem or watershed in proximity to the conservation or preservation area being adversely impacted by development.

**d) Fee-in-Lieu of Land**

As an alternative to the protection of land, the County may allow contribution of a fee-in-lieu-of-land to the environmentally sensitive lands fund, under which the County shall purchase or manage land to protect natural resources in accordance with standards of this Chapter. Where fee-in-lieu of land is allowed, the cash payment shall be equivalent to 150% of the average per acre-appraised market value, at the time of permit application, multiplied by the number of acres of regulated natural resource for which mitigation is required, plus estimated total cost of management required to establish the viability of that type of resource.

**e) Submittal of Proposal**

A mitigation proposal shall be submitted in conjunction with the requirements for resource assessment requirements under §406.04. The mitigation proposal shall require the same assessment and specify the same details for mitigation areas as required for areas otherwise protected under this Chapter. The cost and timing of any monetary contribution or offsite acquisitions shall be specified. A management plan shall be required in accordance with Article 20 of this Chapter, and shall include contingency plans for corrective measures or change if goals are not met.

**f) Mitigation before Alteration**

The initial construction, earthwork and planting for mitigation, or payment of fee-in-lieu, shall be completed prior to the permitted alteration of regulated natural resources. However, in special situations where the County determines that this
requirement will place an unreasonable scheduling hardship on the applicant, the applicant shall post double the required performance guarantee to ensure that the mitigation project will be completed.

(g) Management and Monitoring
For all mitigation projects, the County shall require management and monitoring for a minimum of two years. This period may be extended as necessary, based on the complexity of the resource or type of mitigation proposed, in order to demonstrate substantial establishment and success of mitigation. In conjunction with a management plan per Article 20 of this Chapter, the following shall apply:

1. Where plantings are required, success shall be measured by maintenance of at least 80 percent survivorship of all plantings. Semiannual replantings shall be required to maintain required survivorship.
2. Non-native or invasive vegetation shall be eliminated or controlled.
3. Monitoring reports of the status of the mitigation area shall be submitted to the Environmental Protection Department no less than annually. Indicators appropriate to the resource shall be tracked and evaluated. Such indicators may include water quality chemistry, number of surviving plantings and any plantings made to maintain required survivorship.

(h) Performance Guarantee
A performance guarantee shall be required in an amount equal to 110% of the estimated cost of mitigation, management and monitoring activities, to ensure the adequate monitoring and long-term viability of mitigation activities. The guarantee shall be provided for the duration of the time period required for maintenance and monitoring, but in no case less than two years.

1. Execution
The performance guarantee shall be executed by a person with a bonafide legal interest in the parcel. The performance guarantee shall be kept in full force until all obligations are satisfied.

2. Form of guarantee
The guarantee shall be:

a. Cash deposit or certificate of deposit assigned to the County;
b. Escrow agreement for the benefit of the County and on a County-approved form;
c. Performance bond issued by a State of Florida registered guarantee company which shall be listed the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations, and on a County-approved form;
d. Irrevocable letter of credit on a County-approved form; or
e. Similar security acceptable to the County.

3. Certification
Within six months of the completion of the period established for management and monitoring, the applicant shall submit a final report that includes, at a minimum, the following:
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Discussion of the projected relative success or failure of the project in mitigating for lost natural resource area value and function;

Analysis of measures undertaken during the project that contributed to success;

Analysis of problems encountered during the project that decreased success;

Recommendations to increase the success of similar, future projects; and

Summary of data collected.

4. Failure to Mitigate, Manage or Monitor

The County may exercise its option on the guarantee in the event that mitigation, management or monitoring is not in compliance with proposed plan. In the event the County exercises its option on the guarantee, all obligations of the applicant under the mitigation and monitoring plan shall cease.

406.115 Corrective Action for Unauthorized Impact to Natural Resources

In the event that alteration occurs within a regulated natural resource and associated buffers without first obtaining the appropriate review and approval required by this code, the following corrective actions may be required unless specifically addressed elsewhere in this chapter:

(a) The preferred action is for onsite restoration of the resource to as close to preexisting site conditions as possible and with permanent protection of the restored resource and remaining regulated resources where applicable.

(b) Where onsite restoration is not feasible, one of the following shall be required:

1. purchase and permanent protection of comparable natural resource features, including natural communities, shall be required at a ratio of 2:1 and for repeat offenders between 5:1 and 10:1 acreage of compensation area to impacted area, based on factors including but not limited to: habitat rarity, uniqueness, value, function and quality; and the nature, degree and extent of unauthorized impact, or

2. Payment of an environmental restoration fee, calculated as two (2) times (or a minimum of five (5) to a maximum of ten (10) times for repeat offenders) the value of the impacted area based on the gross per acre appraised value of the property. This fee shall be based on the average of two independent appraisals with appraisers selected by the County and paid for by the responsible party. Fees shall be deposited in an environmentally sensitive lands fund for the acquisition, restoration, and management of environmentally sensitive lands.

(c) Permanent protection instruments as provided in §406.103 for onsite and offsite locations shall be utilized to record and provide added protection to regulated resources.

(d) For multiple violations and/or repeat offenses, additional monetary penalties shall be required pursuant to §24.09 of Alachua County Code.

(e) The County may enter into consent agreements, assurances or voluntary compliance documents establishing an agreement with any property owner responsible for noncompliance. Such documents shall include specific action to be taken by the property owner to correct the noncompliance within the time.
period as specified in the document. Such documents may provide for judicial enforcement.
Chapter 407  General Development Standards

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Article 1  Setbacks, Height and Other Standards

407.01  Principal Building on Lot

Where a single lot or parcel of land is used for a single-family attached or detached dwelling unit, only one dwelling unit shall be allowed on the lot, except as otherwise provided for in this ULDC. Other principal uses and buildings may be allowed as specified in these regulations. Accessory buildings such as sheds and garages may not be constructed prior to construction of a principal building.

407.02  Permitted Building Area

The principal building or buildings on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building line established for the principal building or in rear yards as otherwise provided in this ULDC. Accessory buildings may not be erected within front yards, except within the Agriculture zoning district on properties that are not part of a platted subdivision.

407.03  Setbacks from Major Road Centerlines, Section and Half-Section Lines

Within the Urban Cluster, no new building or structure shall be erected closer than 75 feet from the centerline of any route designated and officially adopted for a major road as shown on the Future Transportation Circulation and/or Future Transportation Corridors Maps unless a waiver is approved by the reviewing entity. Such waivers may be based on the presence of parallel transportation corridors, environmental features or existing development patterns.

(a) Outside of the Urban Cluster, no new building or structure shall be erected closer than 75 feet from any section line or half section line unless a waiver is approved by the reviewing entity. Such waivers may be based on the presence of parallel transportation corridors, environmental features or existing development patterns.
(b) Approval of apat by the Board of County Commissioners shall constitute approval of a waiver for (a) or (b) above, and no further waiver shall be required.

407.04 Setback Encroachment Prohibited

The minimum setbacks required by these regulations shall not be encroached upon, except in accordance with §407.05.

407.05 Allowable Projections

Every part of a required setback shall be open from its lowest point to the sky, unobstructed, except that certain building features and structures are allowed to project into required setbacks, provided that such structures do not require the placement of fill for foundations or for frame adjustments that will encroach across adjacent property lines or result in the creation or diversion of stormwater runoff that adversely affects adjacent properties except as provided below.

(a) In any nonresidential district, in mixed-use or commercial portions of Traditional Neighborhood and Transit Oriented Developments, or for zero-lot-line buildings, architectural features such as marquees, canopies, and awnings that are not completely enclosed may extend over a sidewalk up to 2/3 of the way between the face of a building and the curb, but no closer than 4 feet from the vertical extension of the curb, into an adjacent right-of-way, lot, common area, or setback, provided all of the following conditions are met.

1. The architectural feature must meet all requirements of the Florida Building Code and maintain a clear height above the sidewalk of at least nine feet. No support for the feature may extend below this clear height.

2. The feature must be designed to not conflict with existing utilities at the site.

3. Where the feature extends into a county-owned right-of-way, the applicant must receive a right-of-way use permit from the Public Works Department, or, if the right-of-way is not county-owned, written approval from the entity with jurisdiction over the right-of-way.

4. Where the feature extends into a lot or common area under separate ownership, the owner of the common area or lot shall provide written acceptance of the feature. Appropriate maintenance agreements shall be established by the responsible entity in a form acceptable to the County Attorney’s Office at the time of development plan approval or building permit. A copy of such maintenance agreements shall be filed with the application for development plan or building permit approval submitted to the Department and recorded in the public record.

5. The property owner shall be responsible for removing the feature at the property owner’s expense upon notice that a road or right-of-way project requires it to be removed. If the property owner does not remove it, the entity with jurisdiction over the right-of-way shall remove it and bill the property owner for the cost of removal.

6. If the feature projects into an adjacent right-of-way that belongs to the county, the property owner shall enter into an agreement with the county indemnifying and holding harmless the county, its officers, agents, and employees, from any property damage, including loss, and any personal injury, including death, caused in any way by the projection of the marquee, canopy or awning over the right-of-way, and containing such other provisions.

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as deemed necessary by the County Attorney to protect the interest of the county.

7. Planned developments approved prior to the adoption of this ULDC on January 30, 2006, that contained zero-lot line units and have received final development plan approval may be allowed to develop in accordance with this subsection provided it can be demonstrated that the necessary maintenance agreements were recorded in the public record as part of the development approval process. If the necessary agreements have not been recorded, a revised development plan must be submitted for review by the appropriate reviewing body.

(b) Porches, open or closed fire escapes, outside stairways, or balconies shall not extend into any required setback, except that uncovered ingress/egress improvements such as steps or ramps may project not more than four feet into any required setback.

(c) Sills, cornices, ornamental features, chimneys and flues, eaves and gutters may extend up to 36 inches into a required setback.

407.06 Administrative Exception for Vacant Lots

An administrative exception to the minimum front setback requirements established in Chapter 403 may be granted by the Director for vacant lots of developed platted residential subdivisions existing prior to January 1, 1995, in accordance with the following provisions:

(a) The minimum front setback of the vacant lot granted as an administrative exception shall not be less than the smallest front setback for residences which have already been constructed in the platted subdivision and shall not be less than necessary to make possible the reasonable use of the lot.

(b) The Director shall not approve such exception if significant exposure to noise, smoke, dust, fumes, traffic dangers or other hazards affecting health, safety and welfare would result from the residence’s proximity to the street.

407.07 Property Boundary Fences in Residential Districts

(a) No fence or wall in a residential district shall exceed six feet in height, except for a subdivision boundary fence or wall or a fence or wall on a residential lot greater than one acre may be up to eight feet in height. In addition, an exception may be granted for architectural features up to twelve feet in height when located adjacent to a subdivision entrance having a minimum width of 100 feet, and set back at least 50 feet from the property boundary. Fence height shall be computed as the distance from the highest point of the fence structure, not including any architectural features as allowed above, to the elevation of the centerline of the adjacent street or highway from which the principal access is provided, or the ground elevation at the base of the fence, whichever distance is less. The centerline elevation shall be taken at a point that is defined by extending a horizontal line from the fence that is perpendicular to the centerline of the street or highway.

(b) To prevent fences from interfering with visibility for drivers and pedestrians, no individual property boundary or subdivision boundary fence shall be installed within an area defined by the Florida Department of Transportation as a sight triangle, as outlined in the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System.
Chapter 407. General Development Standards

Article 1. Setbacks, Height and Other Standards

407.08 Retaining Walls
Nothing in these regulations shall be construed to prohibit or to prevent the erection of a retaining wall on any property provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse affect upon adjacent or adjoining properties.

407.09 Flag Poles
Notwithstanding the maximum height standards in Chapter 403, flag poles shall not exceed 20 feet in height in a residential district and 30 feet in height in a nonresidential district as set forth in §407.37.5(a) of this Chapter.

407.09.5 Rooftop Photovoltaic Solar Systems
Rooftop photovoltaic solar systems shall be permitted on conforming and legally nonconforming buildings and structures in all zoning categories. Nothing contained in this ULDC, including standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and legally nonconforming buildings, including buildings containing nonconforming uses.

(a) Height
The height of rooftop photovoltaic solar systems shall not exceed the roof line as defined in Chapter 410. For flat roofs with or without a parapet, the rooftop photovoltaic solar system shall not be greater than five (5) feet above the roof.

(b) Permits
Prior to the issuance of a building permit, the property owner(s) must acknowledge as part of the permit application, that:

1. If the property is located in a homeowners’ association, condominium association or otherwise subject to restrictive covenants, the property may be subject to additional regulations or requirements despite the issuance of a permit by the County; and

2. The issuing of said permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her or their successors and assigns in title, or create in the property itself a right to remain free of shadows and/or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on another property.

(c) Maintenance
The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

407.10 Solid Waste Facilities
Multiple-family developments containing more than 10 dwelling units in total and all commercial, mixed-use, and industrial developments shall provide garbage and recycling collection bins or dumpsters consistent with Section 75.302 of the Alachua County Code.

(a) Location
All garbage and recycling bins or dumpsters shall be located within designated areas in a principal building or within a rear or interior side setback. For multiple-family developments, recycling bins or dumpsters shall be located adjacent to the
commercial service container for the collection of garbage, or at an alternate location approved by the Development Review Committee.

(b) Screening

All garbage and recycling collection bins or dumpsters shall be fully enclosed and screened as follows:

1. Screening may be achieved by designating an enclosed space for solid waste facilities within a principal building or within an accessory structure.

2. Where solid waste storage areas are not enclosed within a principal building or accessory structure, they must be completely screened on all sides, with an opaque, lockable gate on one side. Screening shall be constructed of masonry walls or wood fencing with a minimum height of 6 feet.

407.11 Use of Public Rights-of-Way and Obstruction to Vision at Road Intersections

(a) Use of Public Rights-of-Way

The sale of merchandise from within any public right-of-way within the unincorporated area of Alachua County is prohibited.

(b) Obstruction to Vision at Road Intersections

In order to minimize accidents caused by obstruction to vision at road intersections, the following regulations shall apply in all districts:

1. Within the area formed by the rights-of-way lines of intersecting roads and a straight line connecting points on such rights-of-way lines there shall be a clear space with no obstruction to vision between the height of three feet and a height of eight feet above the average grade of each road as measured at the centerline that is consistent with criteria outlined in the Florida Department of Transportation’s Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

2. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.

Trees, either existing or newly planted, shall be permitted in the clear space, provided that foliage is cut away within the prescribed heights.
Chapter 407. General Development Standards

Article 2. Parking, Loading and Stacking

407.12 Purpose
The purpose of this Article is to provide standards to reduce traffic congestion and require parking and loading facilities in proportion to the parking demand for each use in order to ensure functionally adequate, aesthetically pleasing and secure off-street parking and loading facilities.

407.13 Applicability
Every use of a building or land hereafter established shall provide the minimum parking and loading spaces as required by this Article in addition to the Florida Accessibility Code and the Fair Housing Act. Changes in use, changes in intensity of use, and building expansions shall comply with all applicable requirements. Re-striping or re-paving of such spaces shall comply with Florida Accessibility Code and The Fair Housing Act. Except as noted, the requirements of this Article are minimums. Where nonconforming on-site parking has been found to be inadequate by causing a recurring hazard or nuisance off-site, the owner shall be responsible for increasing the number of parking spaces or decreasing the need for parking spaces by limiting the amount, kind or intensity of use.

407.14 Parking Schedule
In all districts, the required number of parking spaces shall be provided in accordance with Table 407.14.1. The required number may be exceeded or reduced by up to ten percent. Applicants proposing greater than 10 percent variation must comply with §407.18.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Single-family, attached and detached</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Multiple-family dwelling</td>
<td></td>
</tr>
<tr>
<td>One-bedroom units</td>
<td>1.5 per dwelling unit, plus 1 per 10 bedrooms</td>
</tr>
<tr>
<td>Two or more bedroom units</td>
<td>2 per dwelling unit, plus 1 per 10 bedrooms</td>
</tr>
<tr>
<td>Rooming house, dormitory, fraternity or sorority</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td>Assisted living facility</td>
<td>1 per 2 persons of licensed capacity</td>
</tr>
<tr>
<td>Manufactured home park</td>
<td>2 per unit space</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td>Community residential homes</td>
<td>1 per 3 persons of licensed capacity, plus one per employee</td>
</tr>
<tr>
<td><strong>Public and Civic Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Auditorium</td>
<td>1 per 5 seats of maximum seating capacity in the principal area of assembly</td>
</tr>
<tr>
<td>College or university/Vocational, business or technical school</td>
<td>1 per employee plus one space per 4 students of design capacity</td>
</tr>
<tr>
<td>Child Care Center, Adult Day Care</td>
<td>1 per 6 persons of licensed capacity</td>
</tr>
<tr>
<td>Elementary or middle school</td>
<td>10 plus 2 per classroom</td>
</tr>
<tr>
<td>Fire station</td>
<td>1 per person on duty on the largest shift</td>
</tr>
<tr>
<td>High school</td>
<td>1.5 spaces per employee plus one space per ten students of design capacity</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Library, museum, art gallery</td>
<td>1 per 400 sq ft of gross floor area</td>
</tr>
<tr>
<td>Medical or dental office/Medical clinic</td>
<td>1 per 200 sq ft GFA</td>
</tr>
</tbody>
</table>
### Use Required Number of Spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortuary or funeral home</td>
<td>1 per 4 persons of licensed capacity, plus 1 per funeral vehicle, plus 1 per employee</td>
</tr>
<tr>
<td>Place of assembly/Civic organizations</td>
<td>1 per 5 seats of maximum seating capacity in the principal area of assembly</td>
</tr>
<tr>
<td>Place of worship</td>
<td>1 per 5 seats of maximum seating capacity in the principal area of assembly</td>
</tr>
<tr>
<td>Utilities</td>
<td>1 per employee</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Arcade</td>
<td>1 per 500 sq ft GFA</td>
</tr>
<tr>
<td>Banks and financial institutions</td>
<td>1 per 400 sq ft GFA, plus required stacking spaces in accordance with §407.23</td>
</tr>
<tr>
<td>Barber or beauty shop</td>
<td>2 per operators’ chair</td>
</tr>
<tr>
<td>Bar, cocktail lounge, tavern, and nightclub</td>
<td>14 per 1,000 sq ft GFA</td>
</tr>
<tr>
<td>Bowling establishments</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Offices, non-medical including governmental offices</td>
<td>1 per 250 sq ft GFA</td>
</tr>
<tr>
<td>Car wash</td>
<td>1 per service bay, plus three stacking spaces</td>
</tr>
<tr>
<td>Convenience store or service station, with or without fuel sales</td>
<td>1 per fueling position, plus 2 per working bay, plus 1 per 200 sq ft of sales area</td>
</tr>
<tr>
<td>Driving range</td>
<td>1 per tee plus one space per employee</td>
</tr>
<tr>
<td>Restaurant, maximum of 23 seats (stand alone)</td>
<td>8 spaces, plus required stacking spaces in accordance with §407.23</td>
</tr>
<tr>
<td>Restaurant, minimum of 24 seats (stand alone)</td>
<td>1 per 3 seats, plus required stacking spaces in accordance with §407.23</td>
</tr>
<tr>
<td>Golf course</td>
<td>60 spaces per 9 holes, plus 1 space per employee, plus 50% of the spaces otherwise required for any accessory uses (e.g., bars, restaurants, etc.)</td>
</tr>
<tr>
<td>Gym, spa or fitness center</td>
<td>10 plus 1 per 200 sq ft GFA in excess of 1,000 sq ft</td>
</tr>
<tr>
<td>Movie theaters</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Personal services, not otherwise specified (stand alone)</td>
<td>1 per 400 sq ft GFA</td>
</tr>
<tr>
<td>Retail Sales and Service, not otherwise specified</td>
<td>See 407.14(a) below</td>
</tr>
<tr>
<td>RV Park/Campground</td>
<td>1 per RV or tent space</td>
</tr>
<tr>
<td>Hotel or Motel (as defined in Chapter 409)</td>
<td>1 per guest room</td>
</tr>
<tr>
<td>Entertainment and recreation, not otherwise specified</td>
<td>1 per 4 persons of maximum capacity</td>
</tr>
<tr>
<td>Self-service storage facilities</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Vehicle sales and rental (including sales of boats and recreational vehicles)</td>
<td>1 per 2,000 sq ft of display area whether indoors or outdoors, plus 1 per 500 sq ft devoted to servicing vehicles</td>
</tr>
<tr>
<td>Vehicle repair</td>
<td>1 per 200 sq ft GFA</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial Uses (other than Warehousing)</td>
<td>1 per 1,000 sq ft, plus 1 per company vehicle operating from the premises, plus 1 per 250 sq ft of accessory retail or wholesale use</td>
</tr>
<tr>
<td>Mining, excavation, and fill operations</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Warehousing, Storage and Distribution</td>
<td>1 per 1,000 sq ft GFA</td>
</tr>
<tr>
<td>Waste-related services</td>
<td>1 per employee</td>
</tr>
</tbody>
</table>
(a) **Retail Sales and Service**

A Retail Sales and Service establishment, as defined in Chapter 409, and also including a group of retail sales, restaurants, personal services, and mixed non-residential uses shall comply with the parking requirements in Table 407.14.2.

**Table 407.14.2**

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Spaces per 1,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>Up to 20,000 sf</td>
<td>5</td>
</tr>
<tr>
<td>20,000 to 200,000 sf</td>
<td>4.5</td>
</tr>
<tr>
<td>Over 200,000 sf</td>
<td>4</td>
</tr>
</tbody>
</table>

(b) **Motorcycle Parking**

One motorcycle space shall be required per 40 vehicle spaces required by this Section. Motorcycle spaces are optional if less than 40 vehicle spaces are required. Motorcycle stalls shall be clearly labeled as such.

(c) **Unlisted Uses**

For uses not listed in Table 407.14.1, the number of required spaces shall be based on a study prepared by the property owner or operator that addresses:

1. Type of use or uses and estimated total number of trips generated during peak conditions;
2. estimated parking duration per vehicle trip (turnover rates); and
3. estimated number of employees; one space to be provided for each two employees based on the shift of maximum employment.

**407.15 Bicycle Parking**

Bicycle parking shall be provided by all educational facilities (as well as vocational, business, or technical schools), multiple-family dwellings, commercial, institutional and industrial uses.

(a) **Spaces**

Bicycle parking spaces are comprised of Class I, Class II or Class III facilities.

1. **Class I**
   
   Bicycle lockers are generally rectangular enclosures, each holding one or two bicycles.

2. **Class II**
   
   Bicycle parking racks which allow all three major components of the bicycle, back wheel, frame and front wheel, to be locked, without removal of the front wheel.

3. **Class III**
   
   Stands and racks such as hitching posts, rails and inverted "U" racks. Common properties in a class III facility include its support of the bicycle with or without the front wheel removed, its attractiveness and post or pipe dimensions which allow the use of the popular U-locks. Class III facilities are recommended for short-term parking, although, in combination with shelter, they may be adequate for long-term storage.
(b) Number of Spaces

1. A minimum of one bicycle parking space shall be provided for every ten required vehicular spaces or two spaces for each public and employee entrance, whichever is greater. The Development Review Committee may require additional spaces for Educational Facilities, libraries and recreational facilities.

2. For multiple-family dwellings, a minimum of 25 percent of the required spaces shall be Class I bicycle lockers or sheltered Class II or III facilities to provide for long term storage.

3. For nonresidential developments requiring 20 or more spaces, a minimum of 25 percent of the required spaces shall be Class I bicycle lockers or sheltered Class II or III facilities.

4. New retail, office, institutional and industrial buildings of more than 50,000 square feet in area shall provide employee showers, lockers and changing areas to facilitate bicycle and pedestrian commuting. Buildings with a single shower shall have a secure unisex facility. Buildings with multiple showers shall have gender specific facilities.

(c) Location of Facilities

All bicycle parking facilities shall be located to provide for convenient bicycle parking which shall be separated from automobile parking by a physical barrier or by a minimum of five feet. Bicycle parking facilities shall be located on the same lot or parcel of land as the use for which such facilities are required and as close to the public and employee entrances as possible without interfering with the flow of pedestrian and vehicular traffic. For nonresidential developments, any sheltered spaces required shall be connected to the building where possible without interfering with the flow of pedestrian and vehicular traffic.

(d) Surfacing

The minimum parking area shall be provided with a hard-surface, all-weather pavement of asphalt or concrete, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water. Supplemental parking may be on alternative surfaces.

(e) Access to Facilities

Convenient access to bicycle parking facilities shall be provided and shall minimize travel distances from adjoining sidewalks and pathways to the bicycle parking facilities. Where access is via a sidewalk or pathway, curb ramps shall be installed as appropriate.

407.16 Signage and Marking

All required parking areas shall be striped or marked to show parking spaces and driving aisles. Spaces for motorcycles, persons with disabilities, and bicycles shall be clearly marked. Parking lot signage and marking shall conform with the Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act and shall contain no commercial messages.

407.17 Shared Parking

The Development Review Committee may authorize a reduction in the number of required parking spaces for a mixed use project or for uses which are located adjacent to one another and which
have different peak parking demands and operating hours. In determining whether to approve a reduction for shared parking, the following shall be considered.

(a) The application for shared parking shall include a description of the use, a development plan, a trip generation report and a parking study. The parking study shall include the characteristics of each use, peak parking demand, hours of operation and potential improvements in access, design, open space preservation and circulation.

(b) All shared parking shall be located in an area providing reasonable access to all uses which the parking is intended to serve.

(c) In cases where the uses for which shared parking is requested are located on lots under different ownership, a cross-parking easement shall be recorded in the public record.

407.18 Parking Reductions or Increases

Applicants for development plan review may vary from the off-street parking schedule in Table 407.14.1 by greater than 10 percent by providing sufficient documentation that demonstrates reduced or increased parking demand. Examples include the provision of on-street parking, trip generation during peak conditions, turnover rates, employment numbers, staggered work shifts, alternate sources of transportation, mass transit ridership or employee showers, lockers and changing areas may justify a reduction in off-street parking. Applicants seeking an increase in parking shall provide a parking study consistent with the §407.14(c). In all cases, the applicant shall provide sufficient documentation to the appropriate reviewing body to clearly establish that minimum and maximum parking needs shall be accommodated. Where inadequate on-site parking causes a recurring traffic hazard or a nuisance off-site, the owner shall be responsible for increasing the number of parking spaces or decreasing the need for parking spaces.

407.19 Parking Area Design Standards

(a) Parking Lot Layout

Parking lots may be in different configurations with regard to the angle of the space with the direction of travel of traffic in the aisles. Parallel parking has a zero angle while perpendicular parking has a 90 degree angle. Angled parking is generally laid out at 30, 45, 60 or 75 degree angles.

(b) Minimum Stall and Aisle Dimensions

1. Parking spaces shall have a minimum width of 8.5 feet except where otherwise provided in this Article;

2. The other dimensions of parking spaces and the aisles providing access to such spaces shall meet the dimensional requirements provided in Table 407.19.1.

<table>
<thead>
<tr>
<th>Minimum Angle</th>
<th>Minimum Stall Depth (ft.)</th>
<th>Minimum Aisle Width (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One Way</td>
<td>Two Way</td>
</tr>
<tr>
<td>30 degrees</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>45 degrees</td>
<td>19</td>
<td>12</td>
</tr>
<tr>
<td>60 degrees</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>75 degrees</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>90 degrees</td>
<td>18</td>
<td>NA</td>
</tr>
</tbody>
</table>
3. For parking spaces at a ninety degree angle to the aisle (perpendicular parking) and with a width of nine feet or more, the aisle width may be reduced to 22 feet.

(c) Other Space Sizes

1. Parallel spaces shall be a minimum of 22 feet long by a dimension between 7 and 9 feet wide. A line of parallel parking spaces will not require marking in 22-foot intervals unless the parking is to be metered.

2. Motorcycle spaces shall be a minimum of 8 feet long by 6 feet wide.

(d) Conformance with Americans with Disabilities Act

The design of all parking areas shall conform with current standards under the Americans with Disabilities Act (ADA), including the required number of reserved spaces for person with disabilities and van accessible spaces. ADA compliant parking space details, signage and accessible routes shall be provided on the final development plan to ensure compliance with all applicable standards.

(e) Wheel Stop Requirement

Parking wheel stops are required if the adjacent sidewalk width is less than six feet. Wheel stops shall not be required for grassed parking except where necessary for protection of natural resources or stormwater management facilities.

407.20 Location of Off-Street Parking

(a) No parking space or vehicle overhang shall encroach upon the required landscape or sidewalk area, or the right-of-way of any public road, street, alley or walkway.

(b) There shall be no off-street parking in the front setbacks of residential districts except as normally exists in driveways.

(c) Parking spaces for all uses shall be located on the same parcel as the principal building, except where parking is provided on another parcel under the same ownership or management as the principal use, and meets the following criteria:

1. Parking areas for nonresidential uses shall be provided not more than 800 feet from the principal building, as measured along the nearest pedestrian walkway.

2. Parking areas for residential uses shall be provided not more than 300 feet from the principal building, as measured along the nearest pedestrian walkway.

(d) The applicant for a building permit who proposes to use another parcel for off-street parking in order to meet the requirements of these regulations shall submit evidence of a restrictive covenant running with the land to be used for off-street parking purposes stating that such land shall not be encroached upon, used, sold, leased or conveyed for any other purpose until such time as the principal building ceases to be required to provide such off-street parking facilities.

(e) No parking space shall be located within 30 feet travel distance of the nearest right-of-way lines of a Collector Roadway or within 50 feet travel distance of the nearest right-of-way line of an Arterial Roadway.
407.21  Off-Street Parking Requirements
Any off-street parking lot serving any use other than dwellings of three units per building or less shall meet the following off-street parking lot requirements:

(a)  Screening
The parking area shall be screened in accordance with §407.43.1(c), Landscaping in Paved Surface Areas.

(b)  Surfacing
A minimum of 10 percent of required off-street parking areas shall be provided with a hard-surface, all-weather pavement of asphalt or concrete, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water. Alternative surfaces for parking required in Table 407.14.1 may be proposed pending approval of the DRC. Supplemental parking shall be stabilized. Any parking spaces in excess of the amount required in Table 407.14.1 shall be pervious or semi-pervious. All requests for non-standard parking facilities shall be accompanied by sufficient documentation for the reviewing body to clearly establish the expected usage and suitability of the stabilized or alternative surface.

(c)  Lighting
Lighting of off-street parking areas shall be in compliance with the regulations established in Article 14 of Chapter 407.

(d)  Landscaping
Parking facilities shall meet the landscaping requirements of Article 4 of this Chapter.

407.22  Off-Street Loading Requirements

(a)  Every hospital, institution, commercial or industrial building or similar use having a floor area of 20,000 square feet or more, and requiring the receipt or distribution by vehicle of materials or merchandise, shall have a minimum of one permanent off-street loading space for each 20,000 square feet of gross floor area or fraction thereof. The loading area shall be located immediately adjacent to the principal building.

(b)  Retail operations, wholesale operations and industrial operations with a gross floor area of less than 20,000 square feet shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.

(c)  Every off-street loading and unloading space shall have direct access to a public street or alley, and shall have the following minimum dimensions: length, 30 feet; width, 12 feet; height, 14 feet.

407.23  Off-Street Stacking Requirements

(a)  Stacking Requirements
In addition to meeting the minimum off-street parking standards, drive-through facilities shall provide a minimum of five stacking spaces for each drive-through lane. Such spaces shall be designed so as to not create conflicts between pedestrian or vehicular circulation on the site or on any abutting street.
(b) Circulation Requirements

A vehicle pass-by lane shall be constructed to provide for complete, unimpeded circulation throughout the site.
Article 3  Signs

407.24  Purpose
It is the purpose of this Article to promote the health, safety, and welfare of the citizens of Alachua County by achieving balance among the following goals:

(a) to encourage the effective use of signs as a means of communication within Alachua County;
(b) to provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
(c) to protect the safety and welfare of the public by minimizing hazards and distractions to pedestrian, bicycle and vehicular traffic;
(d) to maintain and enhance the aesthetic beauty of Alachua County by regulating, among other things, the appearance and design of signs;
(e) to encourage economic development and growth in the community;
(f) to ensure that signage within Alachua County is compatible with the zoning district and land use category for the property on which the sign is placed;
(g) to foster the integration of signage with architectural and landscape design;
(h) to establish sign size in relationship to the scale of the lot and building on which the sign is to be placed;
(i) to the extent allowed, ensure that signs are properly constructed, installed, and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
(j) to allow for traffic control devices or signs that conform with the Manual of Uniform Traffic Control Devices and promote highway safety and efficiency; and
(k) to provide broadly for the expression of individuals through the use of signs on private property.

407.25  Definitions

(a) Animated Sign: Any sign that uses movement or change of lighting to depict action or to give the impression of action, whether animated or otherwise, including, but not limited to, signs held or worn by a person. “Electronic Message Center Sign” is specifically excluded from this definition.

(b) Banner Sign: A temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

(c) Building Sign: Any sign attached parallel to and extending not more than 18 inches from the façade of any building to which it is attached, painted on the wall surface or erected and confined within the limits of an outside wall of any building, which is supported by such wall or building, and which displays only one sign surface.
(d) **Changeable Copy Sign**: The portion of a sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message. Changeable copy includes letters or numbers that are changed manually as well as electronically.

(e) **Driveway Sign**: Signs placed at driveways or entrances to properties, excluding individual residential lots.

(f) **Electronic Message Center Sign**: A changeable copy sign with a variable message that utilizes computer-generated messages or some other electronic means of changing copy, including but not limited to incandescent lamps, LEDs, LCDs or a flipper matrix.

(g) **Feather Sign**: A freestanding temporary sign typically constructed with a plastic or metal shaft driven in the ground and an attached pennant typically in the shape of a feather, teardrop or rectangle that is vertically elongated and attached to the shaft.

(h) **Flag**: A temporary sign affixed to a flagpole or bracket consisting of a piece of cloth, fabric, or other non-rigid material that is horizontally elongated or square.

(i) **Flagpole**: A pole on which to raise a flag.

(j) **Flashing Sign**: A sign, the illumination of which does not have constant intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects, including any sign with a strobe light or strobe-like effect.

(k) **Freestanding Sign**: Any sign supported by upright structural members or by braces on or in the ground and not attached to a building.

(l) **Illuminated Sign**: A sign or advertising structure in which a source of light is used in order to make the message visible, and shall include internally or externally lighted signs.

(m) **Monument Sign**: A sign constructed on the ground with a continuous footing or foundation with the base at grade.

(n) **Multifaced Sign**: A sign or advertising structure containing more than one sign face.

(o) **Pennant Sign**: Any lightweight plastic, fabric, or other material suspended on both sides from a rope, wire, or string, usually in series, designed to move in the wind.

(p) **Off-site Sign**: A sign or advertising structure that directs attention to a business, product, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

(q) **Pole or Pylon Sign**: A freestanding sign supported permanently upon the ground by a single pole or brace and not attached to any building.

(r) **Portable Sign**: Any sign not permanently attached to the ground or other permanent structure or a sign to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; balloons used as signs.

(s) **Portico or Entry Sign**: A free-hanging sign mounted underneath a portico, awning, or entryway.

(t) **Projecting Sign**: A sign attached perpendicular to a building or other structure.
(u) **Sign**: Any attention-attracting device, fixture, placard, or structure, that communicates information of any kind to the public, including those held or worn by a person. For the purposes of this ULDC, the term ‘sign’ shall not include the following objects: graveyard and cemetery markers, vending machines, gas pumps, on-site umbrellas, mail drop-off boxes, seasonal decorations left up no more than 60 days, a building’s architectural features, or a manufacturer’s markings on machinery or equipment.

(v) **Sign area**: The area enclosed by the perimeter of the sign faces.

(w) **Sign face**: The part of the sign that is or can be used for communication purposes.

(x) **Temporary Sign**: Any sign made of a material that is not of a durable nature or intended for permanent use, such as vinyl, corrugated plastic, fabric or plywood.

### 407.26 Applicability

Unless otherwise provided, this Article shall apply to all signs erected, placed, constructed, painted, installed, or maintained in unincorporated Alachua County. However, this Article does not apply to the following:

(a) Certain architectural features to buildings in non-residential zoning districts, regardless of the fact that such features may be in part representational and may for some purposes be considered “attention attracting devices” and thus fall under the definition of “sign.” Features to which this Article is not applicable are features which meet all of the following criteria:

1. The feature is an architectural part of the building;
2. The surface area of any portion of the feature that is distinctly separate from adjoining elements of the building walls or roof by color, material or texture, shall not be larger than fifteen percent (15%) of each of the building elevations from which it is being viewed; if the feature is three-dimensional, for this purpose the area of the feature shall be measured as though it is two-dimensional when viewed from the side of the building from which the feature is most clearly visible and only the actual area of the feature will be used in computing the 15 percent;
3. The feature contains no words, numbers or symbols, although the feature itself may be considered a symbol;
4. The feature does not depict a human, animal, extra-terrestrial, comic-book or otherwise recognizable character, real or imaginary;
5. The feature does not depict a product related to a business located or operating on the site;
6. The feature does not depict the packaging for a product related to a business located or operating on the site, and
7. The feature may be internally illuminated with a single color, provided such illumination does not violate the prohibitions of §407.28 of this ULDC.

(b) The outdoor display of products where allowed under Chapter 404 of this ULDC. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label “Chevrolet” on an automobile or “John Deere” on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and be subject to regulation.
(c) Signs located entirely inside the premises of a building or enclosed space provided that such signs cover less than 50% of the surface area of any window.

(d) A sign on a serviceable vehicle otherwise used in the day-to-day operations of a business. For the purposes of this section, a serviceable vehicle shall mean any vehicle not meeting the definition of an unserviceable vehicle in Chapter 74 of the Alachua County Code.

### 407.27 Construction and Interpretation

(a) All signs erected, placed, constructed, painted, installed or maintained in unincorporated Alachua County shall require a sign permit unless otherwise exempted by this Article. In all applications for permits where a matter of interpretation under this Article arises, the most restrictive interpretation shall prevail in order to carry out the purpose of this Article. This Article shall otherwise be interpreted liberally in order to carry out and accomplish its purpose.

(b) Where other federal, state or county sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this Article, the more restrictive provisions shall prevail, including, but not limited to, the following:

1. 13th Street Corridor Design Standards, §405.23(b)5 of this ULDC;
2. Scenic Road Corridors Overlay, §405.38(g)4 of this ULDC.

(c) The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall that otherwise meets the regulations of the zoning code and is clearly incidental to the display itself. The sign areas of painted wall signs or flat signs, when composed of letters only (whether script or printed letters), shall be the sum of the areas of the smallest contiguous rectangles each capable of containing one such letter.

(d) For signs with two or more parallel sides where the greatest distance between the faces is three feet or less, only one display face shall be measured in computing sign area. If the faces of a multifaced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multifaced sign shall be added together to compute the area of the sign.

(e) The height of a sign shall be computed as the distance from the highest point of the sign structure to the elevation of the centerline of the adjacent street or highway from which the principal access is provided, or the ground elevation at the base of the sign, whichever distance is less. The centerline elevation shall be taken at a point which is defined by extending a horizontal line from the sign, which is perpendicular to the centerline of the street or highway.

(f) Determination of Visibility or Legibility.

1. Where this Article requires a determination of “visibility” or “legibility,” the standard shall be based on the eyesight of an adult eligible to receive a Florida driver’s license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be six feet tall.
2. In determining visibility of a sign from a residential property, it shall be assumed that a two-story residence will occupy the property with second-story windows facing toward the sign.

(g) Limits on the number of signs allowed on a site shall apply to permanent, freestanding signs only; signs exempt from permit requirements or partially exempt from this Article under §407.29 shall not be considered in determining the number of signs allowed on a site. The lot or site to which numerical limits are applicable under this Article shall be the larger of the following:
1. A platted lot or other separately owned parcel; or
2. A site for which a preliminary development plan has been approved.

(h) Notwithstanding anything contained in this Article to the contrary, any sign erected pursuant to the provisions of this Article may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message or from one non-commercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback, or spacing criteria contained in this Article.

407.28 Prohibited Signs

(a) The following signs and sign types listed below are prohibited within Alachua County and shall not be erected, operated or placed on any property:

1. Off-site signs;
2. Animated signs;
3. Building signs that extend more than 18 inches from the wall of the building to which the sign is attached, or above the eave line of the wall to which it is attached, except that signs mounted to architectural elements extended above the eave line may be allowed;
4. Changeable copy signs on which the message changes more than one time in a five-minute period that are legible from a public way or private property other than the site on which the sign is located;
5. Flashing signs;
6. Floodlights and beacon lights, except when required by the Federal Aviation Administration;
7. Holographic display signs;
8. Streamers, ribbons, balloons, wind signs, wind activated banners, cold air inflatables, pennants and other fixed aerial signage, except that this prohibition shall not apply to flags conforming with section 407.36 of this Article.
9. Signs affixed to utility poles, other than signs placed there by the pole owner or operator and related to the pole and related lines;
10. Permanent pole or pylon signs, excluding driveway signs, except where the sign that is supported by a pole with a pole is covered with a pole cover that has a width greater than or equal to 50% of the sign face;
11. Portable signs, including but not limited to A-frames and trailer signs, except as provided for sidewalk signs under §407.31(a)5;
12. Signs located on a roof or that impair access to a roof;
13. Signs that obstruct a clear view of pedestrian, bicycle or vehicular traffic;
14. Signs in, on, or over the public right-of-way, unless otherwise provided for in Section 407.39.5 of this Article;
15. Signs affixed to utility poles, other than signs placed there by the pole owner or operator;
16. Signs nailed, fastened, affixed to, or painted on any tree or other vegetation, or part thereof (living or dead) or rocks or other natural features;
17. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way, thereby creating a potential traffic or pedestrian hazard or nuisance to inhabitants of an adjacent neighborhood;
18. Signs that obstruct or interfere with ventilation openings;
19. Signs that are illuminated in a way that interferes with the effectiveness of, or obscures, an official traffic sign, device or signal;
20. Signs that in any way simulate emergency vehicles;
21. Signs that simulate traffic control signs and devices, directional, information and warning signs;
22. Signs that obstruct any fire escape or any door or opening used as means of ingress or egress for a building or structure;
23. Signs on public property, unless expressly allowed by the public entity that owns the land;
24. Signs that emit sound, vapor, smoke, odor, or gaseous matter;
25. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control device sign or official traffic signal; and
26. Signs on unserviceable vehicles as defined in Chapter 74 of the Alachua County Code.

(b) Any lawfully existing permanent sign structure or sign type that is among the prohibited signs listed above shall be deemed a nonconforming sign, pursuant to Section 407.39 of this Article.

407.29 Exemptions

(a) Signs Exempt from this Article
The following signs shall be exempt from the permit requirements and other standards of this Article but shall, to the maximum extent allowed by law, be subject to the other standards of this ULDC:

1. Signs conforming with the Manual of Uniform Traffic Control Devices;
2. Signs required by a state or federal statute, or local regulation;
3. Signs required by an order of a court of competent jurisdiction;
4. Signs installed by public utilities in their rights-of-way or on their;
5. Signs installed by a transit company with a franchise or other right to operate in Alachua County, where such signs are installed along its routes;
6. Signs approved as part of a Temporary Use Permit in accordance with §402.154(a);
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7. Signs for outdoor recreation facilities mounted on an interior wall, fence or building and facing into the facility not toward a public way, provided such signs are not independently illuminated;

8. Any sign that is not visible from a public way or from private property other than the site on which the sign is located, except that an electrical permit is still required, if applicable;

9. Any outdoor lighting or strings of lights used as a light source in an outdoor area; and

10. Any freestanding architectural features meeting the definition of a sign under this Article that do not exceed 10 feet in height provided such features have no copy or logos of any kind and are not illuminated by internal or external illumination.

(b) The following signs shall be exempt from the permit requirements of this Article but shall be subject to all other standards of this Article.

1. Signs installed by or on behalf of County employees or officials of Alachua County and not falling under one of the broader exemptions of (a) above;

2. Building signs up to two square feet in area;

3. Temporary signs allowed in accordance with this Article;

4. Signs where only the face or other surface is altered or replaced and the size, height and location are not changed, excluding any change where an electrical permit is required;

5. Sidewalk signs, as allowed in this Article;

6. Driveway signs, as allowed in this Article;

7. Outline lighting on principal buildings permitted in accordance with §407.31(d) of this Article; and

8. Banner signs on private property that meet the following standards:
   a. A banner may be attached to a light pole or other pole structure serving another purpose on the site and not installed simply to hold the banner;
   b. Each banner must be affixed to a permanent frame at the top and bottom, preventing significant movement in the wind;
   c. Banners, once installed, must be repaired or replaced as necessary, to maintain them in good condition;
   d. No banner shall be larger in area than a number of square feet computed by dividing the height of the pole by three and rounding the result up to the nearest whole number. This area limit shall be measured on one side, but the banner may have messages or images on both sides; and
   e. There shall be no more than two banners attached to each pole.

407.30 Signs in Residential Developments (excluding Agriculture zoning)

(a) Permanent Signs in Residential Developments

1. Permanent freestanding signs at external entrances to single-family and multi-family developments or subareas within those developments shall comply with the following:
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a. One sign is allowed for each point of ingress or egress, except as provided herein;
b. The maximum surface area of the sign shall be 32 square feet;
c. The maximum height shall be eight feet;
d. The 32 square feet of sign area may be split equally to allow for one sign located on each side of the entry or exit street;
e. The sign(s) shall be located on a landscaped island or lawn area in a manner that does not obstruct vehicular, bicycle or pedestrian traffic and does not encroach into any corner sign visibility; and
f. The sign may be externally illuminated.
g. Where such signs are located within the public right-of-way, a right-of-way use permit must be obtained in accordance with Section 407.39.5 of this Article.

2. Driveway signs are allowed internal to single family and multifamily residential developments at driveways and entrances in accordance with the following:
   a. One sign is allowed for each point of ingress or egress, except that no such signs are allowed on single family residential lots;
   b. The maximum surface area of the sign shall be six square feet; and
   c. The maximum height shall be four feet.

3. Single family dwellings are each allowed a single building sign that is a maximum of two square feet in area.

4. Multifamily dwellings are allowed one building sign per building, not exceed six square feet. For buildings in which access to units is from common hallways, one permanent building sign is allowed for each public entrance to such building.

(b) Temporary Signs in Residential Development
Temporary signs in residential developments shall comply with the following:

1. At the time a property is under development, one temporary sign up to 32 square feet in area and eight feet in height may be placed at each entrance to the development, or the 32 square feet may be split into two separate signs up to eight feet in height.

2. In addition, up to six feather signs are allowed at each entrance to a residential development. Such signs may not exceed 12 feet in height and 16 square feet in area, may not be placed in the right-of-way, and must be removed upon the transfer of title to 90 percent or more of the available lots, dwellings, or dwelling units included in the approved plat.

3. At any time three additional temporary signs up to 16 square feet and eight feet in height may be placed at each entrance to a development.

4. A total of three temporary signs per dwelling are allowed in single family residential developments and a total of three temporary signs per driveway are allowed in multifamily residential developments. Each such sign may be up to six square feet and four feet in height.
407.31 Signs in Nonresidential Developments

(a) Permanent Signs in Nonresidential Developments

1. Freestanding Signs
   a. On an individual site with a single tenant a single sign is allowed.
   b. On a site with multiple tenants in one or more buildings, one permanent freestanding sign per 400 feet of street frontage shall be allowed. The computation for ‘street frontage’ in this paragraph shall include frontage along any nonresidential or mixed-use streets internal or external to the development that are dedicated to the County or State as public streets or are private streets built to County standards. In no case shall there be more than three freestanding signs on a single street frontage external to the site.
   c. The maximum sign area for freestanding signs shall be 50 square feet.
   d. Sign height shall not exceed 10 feet.

2. Building, Projecting and Awning Signs
   a. For permanent signs other than freestanding signs, the maximum sign area shall not exceed one-fourth of the front building elevation area of the principal building(s) or individual storefront where there are multiple tenants per building.
   b. For multi-tenant buildings, the total number of building, projecting and awning signs shall not exceed the number of public entrances on the principal building(s) plus two. There is no limit on the number of building, projecting or awning signs for single tenant buildings.
   c. For projecting signs, the height of the top edge of the signboard shall not exceed the height of the wall from which it projects.
   d. For building with a front elevation of 5,000 square feet or less, individual signs shall not exceed 300 square feet in size. For buildings with a front elevation greater than 5,000 square feet, individual signs shall not exceed 600 square feet.
   e. Building signs shall not extend above the principal portion of the building to which they are attached. For the purposes of this Section, the principal portion of the building includes architectural elements no greater than ten feet in height above the eave line of the principal building in non-residential areas other than Transit Oriented Developments, and no greater than twenty feet above the eave line of the principal building for non-residential areas within Transit Oriented Developments.
3. **Portico and Entry Signs**
   For portico or entry signs, the distance from the nearest edge of the signboard to the ground shall be a minimum of 7.5 feet. Portico or entry signs shall not exceed six square feet per side.

4. **Window or Door Signs**
   Signs attached to windows or doors are allowed subject to the following.
   a. Maximum sign area shall be 50 percent of the transparent portion of the window or door.
   b. Signs shall be silk-screened, painted, vinyl or etched.

5. **Sidewalk Signs**
   Sidewalk signs shall be allowed on sidewalks on private property but not on public sidewalks, subject to the following standards:
   a. Signboards shall not exceed six square feet in area per side. There shall be a maximum of one such sign per storefront.
   b. The sign location shall not interfere with pedestrian or vehicular circulation or sightlines.
   c. Sidewalk sign placement shall leave a minimum of five feet of sidewalk clearance.
   d. All sidewalk signs shall be located in front of the building.
   e. Sidewalk signs shall only be set out while the business is open and must be taken indoors when the business is closed.

   **Illustration 407.34.3 - Sidewalk Signs**

6. **Driveway Signs**
   Driveway signs are allowed internal to nonresidential developments at driveways and entrances in accordance with the following:
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a. One sign is allowed for each point of ingress or egress;
b. The maximum surface area of the sign shall be six square feet;
c. The maximum height shall be four feet.

7. Drive-Through Lane Signs

For a drive-through establishment, an additional sign is allowed for each drive-through lane provided that such sign does not exceed 40 square feet in size and does not exceed eight feet in height. The additional sign may be internally illuminated and may emit sounds, so long as the sounds comply with Chapter 110 of the Alachua County Code.

(b) Permanent Freestanding Signs in Transit-Oriented Developments (TOD)

1. Transit Oriented Developments may provide the following signage for nonresidential uses:

a. Along external roadways, one permanent freestanding sign is allowed per 400 feet of exterior street frontage. The computation of ‘street frontage’ shall include frontage along all external streets.

b. One or more of the permanent freestanding signs allowed by the calculation in §407.31(a)1 may be located at primary project entrances from external streets, even if such entrances do not front an external street.

c. In no case shall there be more than three permanent freestanding signs along an individual street frontage external to the site, except where such frontage is separated by an arterial roadway or by Interstate 75.

d. All permanent freestanding signs along external roadways shall be multi-tenant signs, except that an anchor tenant with a building 75,000 square feet or greater in size may be allowed to utilize one of the permanent freestanding signs allowed along I-75 in accordance with this Section.

e. Internal to the site, single use buildings are allowed a permanent freestanding monument sign that does not exceed 24 square feet in area and four feet in height.

f. Those freestanding signs exempted under 407.29 shall not count toward the number of freestanding signs allowed on the site.

g. Signs allowed under this subsection shall be monument signs as defined in this ULDC.

h. The copy area of signs allowed under this subsection shall not exceed 40% of the total sign area.

i. Permanent freestanding signs along external roadways allowed under this subsection are subject to the following dimensional standards provided in Table 407.31.1.
### Table 407.31.1

**Dimensional Standards for Freestanding Signs Along External Roadways in TODs**

<table>
<thead>
<tr>
<th>Roadway Classification</th>
<th>Total Maximum Sign Area (sq. ft.)</th>
<th>Maximum Sign Area Per Tenant (sq. ft.)</th>
<th>Maximum Height (ft.) for Freestanding Signs</th>
<th>Minimum Vertical Clearance for Sign Copy Placement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local or Collector Roadway</td>
<td>100(^1)</td>
<td>10(^2)</td>
<td>10(^3)</td>
<td>2</td>
</tr>
<tr>
<td>Arterial Roadway</td>
<td>750</td>
<td>100</td>
<td>32</td>
<td>2</td>
</tr>
<tr>
<td>Interstate 75</td>
<td>2,000</td>
<td>150</td>
<td>70</td>
<td>4</td>
</tr>
</tbody>
</table>

1. An additional 100 square feet of maximum sign area is allowed for 4 lane local or collector roadways.
2. An additional 10 square feet of maximum sign area per tenant is allowed for 4 lane local or collector roadways.
3. An additional 2 feet of maximum height is allowed for 4 lane local or collector roadways.

2. A freestanding signage plan shall be submitted to the Department for review and approval. This plan shall be consistent with and cover the entire area of an approved preliminary TOD master plan. The freestanding signage plan shall detail the height, size and location of all proposed freestanding signs permitted under this subsection as determined by the calculations and allowances for such signs in §407.34(b)1 and the dimensional standards in Table 407.34.1. All subsequent sign permit applications for permanent freestanding signs within the development must be consistent with an approved freestanding signage plan.

(c) **Temporary Signs for Nonresidential Development**

Two temporary freestanding signs up to 32 square feet in area and up to 8 feet in height may be allowed on a nonresidential development site. For properties with more than 25 acres of non-residential development, one additional temporary sign is allowed for every 25 acres of nonresidential uses. Such signs shall not be illuminated.

(d) **Illumination of Signs in Nonresidential Developments (excluding A-RB)**

1. Signs in nonresidential developments may be illuminated by external, direct, indirect or internal lights. Outline lighting may be allowed for any building in a nonresidential development along the edge of a roofline, not to exceed six inches in width, provided such lighting is a single color and does not violate the prohibitions of §407.28.

2. Permanent freestanding signs, except those located along the Interstate 75 corridor, may contain internally illuminated electronic message centers, subject to the following standards:
   - The electronic message center shall occupy no more than 20% of a sign’s total square footage or 10 square feet, whichever is less.
   - The electronic message center shall consist of a dark background, with monochromatic lettering that does not flash or move.
   - The message displayed in an electronic message center shall not change more than once in a five minute period.
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(e) Illumination of Signs in the A-RB Zoning District

A sign in the A-RB Zoning District may be separately illuminated by external, direct, white light, which shall not flash or move, and which shall not result in glare at the nearest property line.

407.32 Signs in Mixed-Use Developments

In mixed-use developments, the residential portions of the development, including the residential portion above any nonresidential area, shall adhere to the requirements of §407.30, Signs in Residential Developments. The nonresidential portions of a mixed-use development, excluding the residential portion above any nonresidential area, shall adhere to the requirements of §407.31, Signs in Nonresidential Developments.

407.33 Signs in Conservation and Preservation Areas

Designated conservation and preservation areas, whether publicly or privately owned, may have the following signs on the property:

(a) Up to three permanent signs may be allowed. One such sign may be up to 50 square feet in area and up to 10 feet in height, and the two additional signs may be up to 16 square feet in area and up to eight feet in height.

(b) Each building or structure on the property may have one wall or building sign up to six square feet in area and up to eight feet in height.

(c) Each property may have one temporary sign up to 32 square feet and eight feet in height, or the 32 square feet may be split to allow two separate signs.

(d) Each property may have one driveway sign per entrance, up to six square feet in area and up to four feet in height.

(e) Illumination of signs in conservation and preservation areas is prohibited.

407.34 Signs

(a) Permanent Signs in the Agriculture (A) District

1. Premanent freestanding signs at external entrances to single-family and multi-family developments or subareas within those developments in the Agriculture district shall comply with the following:

   a. One sign is allowed for each point of ingress or egress, except as provided herein;

   b. The maximum surface area of the sign shall be 32 square feet;

   c. The maximum height shall be eight feet;

   d. The 32 square feet of sign area may be split equally to allow for one sign located on each side of the entry or exit street;

   e. The sign(s) shall be located on a landscaped island or lawn area in a manner that does not obstruct vehicular or pedestrian traffic and does not encroach into any corner sight visibility; and

   f. The sign may be externally illuminated.

2. In addition, up to six feather signs may be allowed at each entrance to a residential development. Such signs may not exceed 12 feet in height and 16 square feet in area, may not be placed in the right-of-way, and must be removed upon the transfer of title to 90 percent or more of the available lots, dwellings, or dwelling units included in the approved plat.
3. On any other property in the Agriculture district, one 32 square foot permanent freestanding sign is allowed, or the 32 square feet of sign area may be split to allow two separate signs. Such signs shall not exceed eight feet in height.

4. For nonresidential uses in the Agriculture district, in lieu of placing a freestanding sign or signs on the property, the 32 square feet may be allocated to be used as building signage. The total number of building signs allowed shall be one per public entrance plus two.

5. Driveway signs are allowed internal at driveways and entrances in the Agriculture district in accordance with the following:
   a. One sign is allowed for each point of ingress or egress;
   b. The maximum surface area of the sign shall be six square feet;
   c. The maximum height shall be four feet.

(b) Temporary Signs in the Agriculture (A) District

Temporary signs in the Agriculture district shall comply with the following:

1. At the time a property is under development, one temporary sign up to 32 square feet in area and eight feet in height may be placed at each entrance to the development, or the 32 square feet may be split into two separate signs up to eight feet in height.

2. At any time, one additional temporary sign, up to 16 square feet in area, may be placed at each entrance to a development, or the 16 square feet may be split into two separate signs. Such signs shall not exceed eight feet in height.

407.35 Signs for Institutional Uses in Residential or Agriculture Districts

(a) Permanent Signs for Institutional Uses in Residential or Agriculture Zoning Districts

For any educational institution, religious institution or other institutional use located in a Residential or Agriculture zoning district, the following permanent signs shall be allowed in lieu of the permanent signs otherwise allowed in such districts:

1. For each principal institutional use; one freestanding sign not more than 50 square feet in area and not more than eight feet in height, which may include an electronic message center, subject to the illumination standards in subsection (c) of this Section;

2. One building sign for each public entrance to the institution, each of which shall be no more than 32 square feet in area;

3. One fence, wall or building mounted sign per on site use for those institutional uses that consist primarily of open uses of land including but not limited to recreation and preservation areas, each of which shall be no more than 32 square feet in area.

(b) Temporary Signs for Institutional Uses in Residential or Agriculture Zoning Districts

1. At the time a property is under development, one temporary sign up to 32 square feet in area and eight feet in height may be placed at each entrance to the use, or the 32 square feet may be split into two separate signs up to eight feet in height.
2. At any time, one other temporary freestanding or building sign up to 32 square feet in area and eight feet in height.

3. Such temporary signs shall not be separately illuminated.

(c) Illumination of Permanent Institutional Signs
   1. A permanent sign located on the site with an institutional use in an Agriculture or Residential zoning district may be illuminated by external direct, white light, which shall not flash or move, and which shall not result in glare at the nearest property line.
   2. Permanent freestanding signs, except those located along the Interstate 75 corridor, may contain internally illuminated electronic message centers, subject to the following standards:
      a. The electronic message center shall occupy no more than 20% of a sign’s total square footage or 10 square feet, whichever is less.
      b. The electronic message center shall consist of a dark background, with monochromatic lettering that does not flash or move.
      c. The message displayed in an electronic message center shall not change more than once in a five minute period.

407.36 Flags and Flagpoles
   The display of flags on flagpoles or flag brackets shall be subject to the following limitations:
   (a) In residential developments and in the Agriculture (A) zoning district, there shall be no more than one flagpole on a lot, and no flagpole shall exceed 20 feet in height;
   (b) In nonresidential developments, there shall be no more than three flagpoles per principal building on any development site, and no flagpole shall exceed 30 feet in height. Each flagpole must be within 30 feet of the principal entrance to the building to which it is oriented;
   (c) All flagpoles shall be set back at least five feet from any property line;
   (d) No rooftop flagpoles shall be allowed in any zoning district;
   (e) No flagpole shall contain more than two flags;
   (f) A flag on residential property shall not exceed 24 square feet in size. For purposes of determining the size of the flag, only one side of the flag shall be counted as the display surface.
   (g) For each principal structure on a parcel, up to two flag brackets may be attached or placed for the display of one flag per bracket.

407.37 Sign Permits
   (a) Unless otherwise provided in this Article, the use, placement, construction, painting, or installation of signs requires a permit from Alachua County.
   (b) Applications for sign permits shall be submitted in accordance with Chapter 402 of this ULDC. In addition, two copies of the following shall be submitted along with the application describing and setting forth:
      1. The type of sign;
      2. The value of the sign or advertising structure;
3. All documents required by the applicable provisions of the Florida Building Code and the related National Electrical Code;

4. A copy of the approved development plan for the site, and a copy of the approved TOD freestanding signage plan, if applicable, pursuant to §407.31(b) of this Article, showing existing and proposed buildings and existing and proposed signs requiring permits on the site;

5. For building signs, the total area of the front building elevation of the principal building(s) and calculations of allowable sign area and the total number of public entrances per building or storefront where applicable for multi-tenant buildings;

6. For freestanding signs, all dimensions shown at a scale of ½” = 1’;

7. The sign area of the sign or advertising structure;

8. Type of lighting proposed;

9. For signs with any electronic message center, the calculation showing the area of the electronic message center and the percentage of overall sign area; and

10. Written approval by the utility provider that the location of a freestanding sign meets the utility provider’s requirements.

407.38 Sign Construction, Installation and Maintenance

(a) Minimum Lot Area

No sign shall be allowed on any lot or parcel of record which does not meet the minimum lot area requirements of the applicable provision of this ULDC.

(b) Building and Electrical Codes

All signs or advertising structures shall be constructed in compliance with the applicable provisions of the Florida Building Code and the related National Electrical Code.

(c) Illumination

Illuminated signs shall be designed and constructed so that there shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting, and in accordance with the other requirements of this Article.

(d) Interference with Visibility

To prevent signs from interfering with visibility for drivers and pedestrians, no sign shall be installed within an area defined by the Florida Department of Transportation sight triangle, as outlined in the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System.

(e) Maintenance

All signs shall be maintained by the property owner or his designee as follows:

1. Weeds shall be kept cut in front of, underneath and around the base. No rubbish or debris shall be permitted to collect such that the same shall be unsightly or constitute a fire hazard;

2. All signs and sign structures shall be maintained in a safe and attractive condition; and
3. The sign and sign structure shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings and shall be maintained at all times in such safe condition so as not to be detrimental to the public health, safety, and welfare.

(f) Other Standards

1. All signs shall be mounted and/or applied true, square, level and plumb.
2. All conduits, ballasts, transformers, circuit breakers, etc. are to be concealed from public view.
3. After installation of the sign or signs, the installation sites are to be cleaned of all debris and prepared for landscape installation.

407.39 Nonconforming Signs

(a) All lawful nonconforming signs may continue as nonconforming uses with the following limitations:

1. On-site Signs
   a. Neither the overall size nor the sign area of a nonconforming sign may be increased, nor may the location be changed, nor may illumination be added to the nonconforming sign or the type of illumination be changed, unless the sign is made to conform to the current requirements of this ULDC. The face of a nonconforming sign may be changed in accordance with §407.29(b).
   b. A nonconforming sign, now or hereafter existing, shall be taken down and removed by the owner, agent or person having beneficial use of the building, structure or land upon which such sign shall be found, within 30 days upon written notice by the Department, if the property on which the sign is located is vacant for more than 30 days.

2. Off-site Signs
   A sign which is a lawful nonconforming off-site sign or billboard shall be allowed to continue if located within 660 feet of a federal aid primary road.

(b) Whenever any revision or modification is made to a building or site that requires review of a development plan or a revised development plan by the Development Review Committee, all signs and sign structures on the parcel of land in question shall be made to conform with the current requirements of this ULDC, or shall be removed, except for signs meeting the off-site provisions of this section.

407.39.5 Signs in the Right-of-Way

(a) Except as provided in this Section, no sign shall be placed or maintained within any public right-of-way or on any tree, pole, post, meter or similar object found within the public right-of-way.

(b) Permanent freestanding signs at external entrances to residential developments, as provided for in §407.30 and §407.34 of this Article, may be installed within the public county road right-of-way with the following conditions:

The following signs may be installed in the public right-of-way without a permit:

1. The sign must be associated with the issuance of a Class IV Access Connection Permit as outlined in Article 13 of this Chapter.
2. The applicant for the sign must own or have the authority to represent the owners of at least fifty percent of the land area within the area to be identified; and

3. The applicant for the sign must apply for a Right-of-Way Use Permit from the Public Works Department and must comply with all of the standards for issuance of such permit, including those related to maintenance and financial responsibility.

(c) Any freestanding sign allowed on a lot or parcel under this Article where the lot or parcel is separated from the nearest public street or road by a public utility right-of-way that is 100 or more feet in width, may be erected in the utility right-of-way if all of the following conditions are met:

1. The person seeking a sign permit or erecting a sign that does not require a sign permit has written permission from the utility that controls the right-of-way to erect the sign on the right-of-way;

2. The sign number, size, height, numbering and other limitations applicable to the zoning district in which the subject lot or parcel is located shall control the sign, regardless of the zoning of the land underlying the utility right-of-way;

3. Signs in the utility right-of-way shall be set back from the right-of-way by at least the minimum required setback for the zoning district in which the subject lot or parcel is located;

4. Such sign or signs may be erected only in the portion of the utility rights-of-way lying directly between the subject lot or parcel and the road right-of-way;

5. Such sign(s) shall be deemed for purposes of this Article to be located on the subject lot or parcel owned by the person seeking the sign permit; and

6. The effect of this section shall not be construed to allow an increase in the total number of signs allowed on a lot or parcel.

7. All signs relocated or erected pursuant to this section shall be in compliance with all sections of this Article. Any nonconforming sign that is relocated must be brought into conformance with this Article.

(d) Any sign placed or maintained in the public right-of-way in violation of this provision shall be deemed to be abandoned and may be removed immediately by an officer of the sheriff’s department, a codes enforcement officer or other authorized County personnel. Any sign so removed may be disposed of without notice or compensation. Removal of the sign shall not preclude prosecution or imposition of penalties for a violation of this Article through the installation of the sign.
Article 4  Landscaping

407.40  Applicability

(a) The standards established in this Article are to be considered the minimum requirements for the design, plant selection, installation and maintenance of landscape elements and site improvements and shall apply to all new development, except for Family Homestead Subdivisions approved in accordance with §407.75. Except as specifically exempted in Chapter 407, Article 7, TNDs or TODs shall comply with the provisions of this Article.

(b) The requirements of this Article shall also apply to the redevelopment, reconfiguration, expansion or change of use of a previously developed site, unless any of the following exemptions apply:

1. The existing developed impervious area to be retained is 5,000 square feet or less, and the proposed expansion of impervious surface is 500 square feet or less.

2. The existing developed impervious area to be retained is greater than 5,000 square feet, and the proposed expansion of impervious surface is less than 2,000 square feet, and also less than ten percent of the existing impervious area on the parcel or lot.

3. If at any time during a five-year period, expansions exceed the aggregate of the allowable exemptions listed above, the permit for construction that exceeds the exempted amount shall require full compliance with this Article.

(c) Prior to the installation of any landscaping within public rights-of-ways, a right-of-way use permit shall be obtained through the Alachua County Public Works Department.

(d) In the event that a principal use and some or all of the parking area (required or otherwise) serving the principal use are located on separate parcels, as permitted by this ULDC, the open space and landscape required by this Article may be apportioned among all parcels in complementary use as approved by the DRC on the landscape or planting plan.

407.41  Landscape and Planting Plan Objectives

Landscape and planting plans shall be designed to achieve the following objectives:

(a) Continuity of on-site and off-site open space and greenway systems.

(b) Preservation of the natural environment to the greatest extent possible.

(c) Use of native plant material to the extent feasible in conjunction with appropriate soils and moisture regimes.

(d) Integrate the landscape and stormwater management areas of the proposed development with existing topography, hydrology and soils.

(e) Integrate the functional systems, particularly the drainage systems and internal circulation systems, with the landscape or planting plan.

(f) Promote water conservation through xeriscaping.

(g) Promote a reduction in stormwater pollution, temperature, and rate of flow from developed areas.
(h) Promote local food systems through use of edible landscape materials where appropriate.

(i) Design stormwater management facilities to resemble natural areas in form and function resulting in a facility that is not required to be fenced.

(j) Limit stormwater management facilities to the maximum extent practicable through the reduction of impervious surfaces.

(k) Minimize the impact of utility service installations on mature trees.

(l) Address visual privacy, acoustical privacy, noise attenuation and the maintenance of important view sheds relative to adjacent developed properties.

(m) Ensure reduction of noise, heat, glare, water runoff and other conditions concomitant with the construction of expanses of building or pavement within the parcel.

(n) Demonstrate that within 20 years 30 percent of the site will be under mature canopy. Rural/Ag subdivisions with unpaved roads and Family Homestead Subdivisions are exempt from this provision.

(o) Deciduous tree canopy should be concentrated along the southern and western exposures of buildings so as to enhance shading and energy conservation.

407.42 Types of Plans

All development that requires development plan approval requires submittal and approval of one of the following:

(a) Landscape Plan
   For all uses requiring the installation of more than 2,000 square feet of new planted areas, a landscape plan shall be submitted and prepared by a state registered landscape architect. Irrigation plans for any permanent irrigation shall be included in all landscape plans in accordance with the requirements of §407.46.

(b) Planting Plan
   For all uses requiring the installation of less than 2,000 square feet of new planted areas, a planting plan may be submitted by either a landscape designer or a state registered landscape architect. Irrigation plans for any permanent irrigation shall be included in all planting plans in accordance with the requirements of §407.46.

407.43 Required Buffers

(a) General Provisions for Required Buffers
   1. Buffers on residential developments shall be designated as common areas and shall not be included within lots.
   2. Buffers on nonresidential sites may be included within lots and counted toward setback requirements.
   3. No structures are permitted in buffers except fire hydrants, concrete valve markers, underground utility markers, switches, bus shelters or benches, incidental signs not exceeding two square feet in area, and screening.
   4. No parking is permitted within a buffer area.
   5. Buffer areas may include portions of the stormwater management system if the applicant demonstrates that the character and intent of the buffer is not
diminished. At a minimum, the buffer shall include all of the required plantings at the normal grade of the site at the property line.

6. Pedestrian access through a buffer to adjacent uses may be permitted.

7. Utility lines may cross the buffer provided that the amount of buffer compromised is minimized while maintaining the specified number of plantings required in Table 407.43.2.

8. Trails within a buffer may be permitted provided the character and intent of the buffer is not diminished.

9. Existing non-invasive vegetation may be used to fulfill buffering and screening requirements where such existing natural vegetation is of sufficient height or can be augmented to reach a sufficient height and opacity to provide an effective visual and acoustical buffer giving consideration to the existing and proposed uses.

(b) Required Project Boundary Buffers

1. Project Boundary Buffers shall be located along the outer perimeter of the parcel to be developed extending inward from the parcel boundaries.

2. Minimum buffer types required on property boundaries between zoning districts are shown in Table 407.43.1.

Table 407.43.1
Project Boundary Buffer Standards

<table>
<thead>
<tr>
<th>Zoning or Existing Use of Subject Property</th>
<th>A, A-RB</th>
<th>Single Family Residential</th>
<th>Multifamily Residential; Churches (any district)</th>
<th>AP</th>
<th>BP</th>
<th>HM</th>
<th>RP (non-residential)</th>
<th>BR</th>
<th>BR-1</th>
<th>BH</th>
<th>BA</th>
<th>BA-1</th>
<th>BW</th>
<th>ML</th>
<th>MS</th>
<th>MP</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, A-RB</td>
<td>None</td>
<td>AG</td>
<td>AG</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential</td>
<td>AG</td>
<td>None</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>H</td>
<td>H</td>
<td>L</td>
<td>H</td>
<td>H</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Multifamily Residential Churches (any district)</td>
<td>AG</td>
<td>M</td>
<td>None</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>H</td>
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<td></td>
</tr>
<tr>
<td>AP, BP, HM, RP (non-residential)</td>
<td>None</td>
<td>H</td>
<td>M</td>
<td>None</td>
<td>None</td>
<td>L</td>
<td>M</td>
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<td></td>
</tr>
<tr>
<td>BR, BR-1, BH, BA, BA-1, BW</td>
<td>None</td>
<td>H</td>
<td>M</td>
<td>None</td>
<td>None</td>
<td>L</td>
<td>M</td>
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<tr>
<td>ML</td>
<td>None</td>
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<td>M</td>
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<td>None</td>
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</tr>
</tbody>
</table>

KEY TO BUFFER TYPES: See Below in Table 407.43.2

3. Minimum width and planting specifications for required project boundary buffers are shown in the table below:
Table 407.43.2
Project Boundary Buffer Minimum Width and Planting

<table>
<thead>
<tr>
<th>Buffer Type</th>
<th>Minimum Width</th>
<th>Plant Material per 100 Linear Ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG - Agriculture</td>
<td>5 feet</td>
<td>Canopy Tree</td>
</tr>
<tr>
<td>L - Low</td>
<td>15 feet</td>
<td>2</td>
</tr>
<tr>
<td>M - Medium</td>
<td>25 feet</td>
<td>3</td>
</tr>
<tr>
<td>H - High</td>
<td>40 feet</td>
<td>5</td>
</tr>
</tbody>
</table>

4. The DRC may reduce the required buffer width by up to 50% where it can be shown by the applicant that the reduction is warranted by unique site features or characteristics. This may include, but is not limited to, situations where the buffer area would be located adjacent to a water body or open space area or if a permanent buffer exists on the adjacent property.

5. The DRC may approve the placement of a buffer at an adequate distance from the parcel boundary when it can be shown that a conflict exists with an existing utility easement or to accommodate unique site features or characteristics provided the character and intent of the buffer is not diminished.

(c) Project Boundary Buffer - Landscaping and Screening

1. Appropriate tree species for planting in buffers are listed in Table 407.50.1.

2. Plant materials and installation shall meet the requirements of §407.44 and §407.45.

3. The required planting shall generally be in an irregular line and spaced or grouped to provide a natural appearance.

4. The plant materials specified by Table 407.43.2 are the minimum materials required per 100 linear feet of buffer; the total quantity of materials required shall be determined by dividing the actual length of the buffer.

5. Canopy trees shall be planted no closer than three feet from any property line.

6. Where screening is required or proposed in conjunction with a project boundary buffer as indicated in Table 407.43.1 the location of the wall, fence or berm within the buffer strip shall be subject to the determination of the development review body and it shall consist of:

   a. a minimum six foot tall masonry wall such as brick, stone, granite, concrete block or concrete panels;

   b. a minimum six foot tall opaque fence, such as vinyl or wood (no chain link);

   c. existing dense vegetation [§407.43(a)9]; or

   d. a berm three feet in height, located entirely within the buffer and planted with materials that at maturity shall reach a combined minimum height of six feet, shall have a stabilized slope of one to three (1:3) rise/run, and shall be completely covered with shrubs, sod or other landscape quality living ground cover.
7. Where a wall or fence is used to satisfy the screening requirements of Table 407.43.1, the following requirements apply:
   a. Pedestrian connections through walls or fences that can provide access to adjacent neighborhoods or other uses are encouraged.
   b. Walls and fences more than 100 feet long shall have varying wall alignments, use appropriate scale/massing for planted materials, and include decorative features and sound absorbing or scattering materials.

(d) Required Roadway Buffers
The following types of roadway buffers shall be required (road classifications are provided in the Transportation Mobility Element of the Comprehensive Plan). Any vegetation planted near driveway and road intersections shall be selected so that the requirements of Article 3, §407.38(d) for a clear sight triangle can be met. Publicly accessible multi-use trails, bikepaths and/or sidewalks and walkways may be provided within a roadway buffer provided the character and intent of the buffer is not diminished.

1. Interstate I-75 Buffers
   a. All development within Urban Residential Future Land Use designations shall provide a High density buffer, as described in Table 407.43.2, along the entire project boundary adjacent to the I-75 right-of-way. This buffer shall not be reduced in width.
   b. All other development shall provide a Medium density buffer, as described in Table 407.43.2, along the entire project boundary adjacent to the I-75 right-of-way. This buffer shall not be reduced in width.

2. Arterial or Collector Street Buffers
   All developments located along either an arterial or a collector street shall be required to provide one of the following buffers along the entire street frontage. Arterial and collector street buffers shall average ten feet in width provided that no portion of the street buffer shall be less than five feet in width.
   a. Three canopy trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer; or
   b. Two canopy trees and two understory trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer; or
   c. Under utility lines only, four understory trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer.

3. Local Street Buffers
Local street buffers shall only be required for nonresidential, mixed-use or multi-family developments located across a local street from a single family residential district. In such a case, at the time of development or expansion, the nonresidential, mixed-use or multiple-family development shall provide the required project boundary buffer along the street frontage.

4. Measurements
   a. Driveway widths (measured at the inside edge of the buffer) shall not be counted in the calculation of the plant material required.
b. All buffers shall be measured from the future right-of-way line determined during development plan review, unless additional public utility easement is required between the right-of-way line and the buffer to provide utility clearance.

c. If a street is platted but has not been constructed, it shall be buffered and treated as a street, even where no pavement currently exists.

d. Vehicular access easements shall not be treated as a street, but shall be buffered as a project boundary buffer outside the easement area. The buffer may be provided on either side of the easement.

407.43.1 Required Tree Plantings and Landscaping

(a) Pedestrian Walkways

1. Areas dedicated to pedestrian circulation that are not coincident with a street shall have canopy trees spaced no more than an average of 40 feet on-center.

2. Utility allocations shall be designed to provide utilities’ required separation between trees and utility facilities.

3. Canopy tree species are identified in Table 407.50.1.

(b) Street Trees

1. Street trees shall be provided along both sides of streets and roads or in medians, consistent with Table 407.141.1 Street Design Specifications.

2. Street trees shall be provided within a minimum planting strip of 8 feet in width, except as allowed below. Larger planting strips may be required for certain tree species, as shown in Table 407.50.1. Trees shall be planted in the center 30% of the planting strip.

   a. Alternative planting systems may be used to reduce the minimum planting strip width. Alternative planting systems include, but are not limited to, engineered soils, tree grates, and root barriers.

   b. Street trees planted in commercial or mixed-use districts may be planted in tree wells or sidewalk cutouts. Each tree must be provided with a minimum planting area of 24 square feet from compacted material to a depth of 18”. Those street trees eligible for use in tree wells or sidewalk cutouts are identified in Table 407.50.1.

   c. Street trees in commercial or mixed-use districts may be planted in islands or bulb-outs where on-street parking and mid-block pedestrian crossings are present. Planting islands or bulb-outs shall have a minimum pervious area of 90 square feet and be free of compacted soil to a depth of 18”. Those street trees eligible for use in islands or bulb-outs are identified in Table 407.50.1.

   d. In constrained conditions on local roads within subdivisions, trees may be planted no closer than 3’ from face of curb.

3. Planting strips, medians, roundabouts, islands, bulb-outs, or other planting areas may be depressed to accommodate stormwater runoff. Where curb is required, curb cuts may be used to permit the flow of water into the depressed planting area. Stormwater overflow must be accommodated.
Street trees shall be spaced so that the distance between two adjacent trunks is no less than one half the sum of their 20-year canopy crowns and no more than the sum of their 20-year canopy crowns.

Within the Urban Cluster street trees where appropriate shall be planted no further than 14 feet from the back of curb. Where curbs are not proposed along roadways, street trees must be located on the back side of the roadside swale unless it is planted outside the clear zone or space required in this ULDC.

Street trees shall be planted between the street and the sidewalk whenever space permits to protect pedestrians and calm traffic.

Street trees other than those shown in Table 407.50.1 may be allowed subject to appropriate planting requirements.

(c) Landscaping in Paved Ground Surface Areas

1. Screening shall be provided where a paved ground surface area lies within 50 feet of, and is visible from any street right-of-way. The screening shall consist of sufficient shrubs to provide a visual screen of 75 percent opacity. The shrubs shall achieve a minimum height of three feet within three years. Shrubs shall be planted in a strip no less than 5 feet in width and may be planted in any required Street buffer.

2. For all paved ground surface areas, it shall be demonstrated that at least 50 percent of the paved ground surface area will be under mature canopy within 20 years. To minimize the heat island effect, the canopy trees shall be oriented to maximize shading of the paved ground surface area from the south and west.

3. Terminal landscape islands with trees shall always be required at the end of a row of parking spaces. Appropriate tree species for planting in landscape islands within a paved area are identified in §407.50. The minimum width of a terminal landscape island in any one direction shall be the same as the minimum planting areas established in Table 407.45.1.

4. No more than 15 contiguous parking spaces in a row may be allowed without a landscape island.

5. Required landscape islands shall contain landscaping materials only and shall not contain utilities or other infrastructure equipment such as fire hydrants, parking lot lights, transformers, air conditioning units or water meters. Islands may be added (in addition to the required landscape islands) for placement of utility infrastructure equipment, which do not require any landscape materials to be placed within them. When feasible, shrubs shall be provided to screen the equipment.

6. Landscape islands and other landscape strips may be depressed to accommodate stormwater management. Curbs separating landscaped areas from parking areas may have curb cuts or be perforated to allow stormwater runoff to pass through them. Stormwater overflow must be accommodated.

7. Utility allocations shall be designed to provide utilities’ required separation between trees and utility services.

8. When vehicular use areas intersect a public right-of-way, landscaping shall be used to define the intersection, provided that all landscaping shall conform to
Chapter 407. General Development Standards
Article 4. Landscaping

407.43.2 Landscape Design of Stormwater Management Facilities

(a) Stormwater management facilities shall be designed to resemble natural areas in form and function, and shall be consistent with Article 9, Stormwater Management, of this Chapter. Stormwater Management Facilities intended for use towards the required 20% pervious open space shall be designed in compliance with the pertinent sections of Article 5, Open Space, of this Chapter.

(b) Stormwater management areas shall be landscaped with native species of trees, shrubs, and perennials appropriate to the function as a wet or dry basin.

(c) The basin and the landscaping area shall be designed to:

1. Be an integral part of the overall development as a physical or visual amenity that provides:
   a. Usable public or civic space; or
   b. An aesthetic focal point or feature, such as a pond, creek or other water feature, utilizing curvilinear shapes and a diversity of appropriate plant species.

2. Preserve existing tree groupings.

3. Include canopy trees spaced no more than an average of every thirty five linear feet around the basin perimeter.

4. Maintain at least 25 percent of the area of the basin, including the shoulders and maintenance area, using native landscape plantings, excluding sod.

5. Be integrated with the landscape or planting plan for the site.

6. Identify areas for access for normal and routine basin maintenance. Landscape plantings shall not reduce the width of the required maintenance access.

407.43.3 Landscaping in Utility Service Areas

(a) Proposed overhead or underground utility service facilities shall be designed to provide clearance from the mature height of trees and landscaping proposed on the landscape plan.

(b) Existing overhead or underground utility service facilities shall be considered in the design of the landscaping to provide clearance from the mature height of trees and landscaping.
(c) Any vegetation within a public utility easement shall conform to accepted vegetation management standards. In all cases the minimum requirements of this Article shall be met.

407.43.4 Xeriscape Requirements

Xeriscaping is a type of quality landscaping that conserves water and protects the environment and is adaptable to local conditions and which are drought tolerant. Xeriscape techniques maximize the conservation of water use with site appropriate plants, an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches (which may include the use of solid waste compost) and proper maintenance. The following water efficient principles shall be applied to the landscape or planting plan:

(a) All plantings shall be grouped in zones according to water requirements and shall be irrigated in zones separating high water use areas from drought tolerant zones. The zones are as follows:

1. High water use zone: A zone containing plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes most turf grasses.
2. Moderate water use zone: A zone containing plants which survive on natural rainfall with supplemental water during seasonal dry periods.
3. Low water use zone: A zone containing plants which survive on natural rainfall without supplemental water.

(b) Fifty percent of the plants used in all vehicular use area landscape designs shall be drought tolerant and located in groupings according to zones designated by the water requirements.

(c) Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, provide soil erosion control such as berms, slopes and swales, where turf grass is used as a design unifier or other similar practical use.

(d) All planting areas shall be mulched with three inches of organic mulch, such as pine bark or shredded hardwood chips. Mulch shall be placed directly on soil or landscaping fabric and be properly edged to retain mulch.

(e) Plant material shall be selected that is best suited to withstand the growing and soil conditions which are found in the microclimate of each particular location on the site.

407.43.5 Crime Prevention through Environmental Design Standards

Physical design of all landscaped areas subject to normal pedestrian access shall promote the concept of Crime Prevention through Environmental Design (CPTED) by utilizing landscape planting, pavement designs and gateway and entrance treatments to achieve the following:

(a) Natural surveillance, through the placement of physical features and lighting of public spaces and walkways at night, in such a way as to maximize visibility, while maintaining or minimizing impacts to surrounding areas.

(b) Natural access control, through the physical guidance of people coming and going from a space by the placement of fencing, landscaping and lighting.

(c) Territoriality, through the use of physical attributes that express ownership, such as fences, pavement treatments, art, signage and landscaping.
407.43.6 Firewise Requirements

Landscape or planting plans within wildfire hazard areas should incorporate Firewise landscaping techniques to help reduce the risk of wildfire. Such techniques shall include:

(a) Creating a defensible space zone around buildings. Such zones shall provide space for fire suppression equipment in the event of an emergency and progressively limit plantings near structures to carefully spaced fire resistant species.

(b) Placing low growing species and groundcovers beneath canopy trees and rooflines to avoid creating a continuous fuel source from ground to tree or roof.

(c) Utilizing driveways, lawn areas and walkways to provide firebreaks between large areas of dense vegetation.

(d) Selective thinning of fire prone plant species in existing vegetation areas to reduce fuel loads. A list of fire prone species shall be available from the Environmental Protection Department.

407.44 Required Plant Materials

(a) Required Tree Species Variety

New tree plantings shall not include more than 50 percent of any one genus or 25 percent of any one species.

(b) Plant Quality

Plant materials shall meet the following minimum standards:

1. All nursery plants, including trees, shrubs and groundcovers shall conform to standards for Florida Grade #1 or better according to the current, most recent edition of “Grades and Standards for Nursery Plants”, 2nd edition, published by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and available from the Florida Nursery, Growers, and Landscape Association (FNGLA). Nursery invoices or labels shall clearly specify that Grade #1 or better plants were purchased for installation.

2. All sod shall be certified apparently free of noxious weeds by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

3. All mulch shall be organic material, with hardwood or pine bark recommended. Cypress shall not be used as mulch. No plastic or other non-biodegradable weed cloth or surface covers shall be used where mulch is required.

(c) Required Plant Sizes and Species

1. Trees

   a. All trees shall be selected from the list of tree species provided in Table 407.50.1 that specifies which trees should be selected for use in buffers, along walkways and streets and in parking lots. Any variation from this list shall be approved by the County Forester/Landscaping Inspector.

   b. Trees shall meet the minimum size standards shown in Table 407.44.1.
Chapter 407. General Development Standards
Article 4. Landscaping

Table 407.44.1
Minimum Tree Standards

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Minimum Size</th>
<th>Height (ft)</th>
<th>Caliper</th>
<th>Container</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree, Tree Grate/Well, Parking Islands</td>
<td></td>
<td>10</td>
<td>2&quot;</td>
<td>25 gals</td>
</tr>
<tr>
<td>Basin Areas and Other Areas</td>
<td></td>
<td>4</td>
<td>3/4&quot;</td>
<td>7 gals</td>
</tr>
</tbody>
</table>

The DRC may approve the use of desirable native species that are not generally available in the required minimum size provided that the sum of the caliper planted is equal to or greater than the required caliper specified above.

2. Shrubs
   a. Shrubs shall consist of woody plants a minimum of two feet in height in a minimum three-gallon container. When planted as a hedge, the maximum spacing for 24-inch high shrubs shall be 36 inches on center.
   b. Shrub species that are significantly larger than the required minimum in paragraph a above may be counted as two or more shrubs, on a case-by-case basis, if approved by the DRC. Spacing for the larger size shrubs shall be determined by the County Forester/Landscaping Inspector.
   c. Shrubs shall be selected from the list of native species available from the Alachua County Environmental Protection Department and from the Department of Growth Management.

3. Ground Covers
   Ground covers other than turf grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planting.

4. Lawn Grass
   Grass areas shall be planted with species normally grown as permanent lawns in the vicinity of Alachua County. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion.

5. Synthetic Plants
   Synthetic or artificial turf, trees, shrubs, ground covers or vines shall not be used in lieu of the plant requirements in this Article.

(d) Prohibited Plants
   1. Those plants listed in Florida Administrative Code section 62c-52.011, Prohibited Aquatic Plants, shall be prohibited. This list of prohibited aquatic plants is available online and copies are also available from the Alachua County Environmental Protection Department (EPD).
   2. Those plants listed in Florida Administrative Code section 5B-57.007, “State Noxious Weed List” shall be prohibited. This list of prohibited noxious weeds is available online and copies are also available from the County.
(e) Credit for Existing Plants
1. Credit is permitted for existing plant material provided such material meets the minimum standards of this Article.

2. Credit shall be allocated on a one-for-one basis for shrubs, understory trees and substituted trees. The size of the material shall not be taken into consideration except where such material is below the minimum standards of this Article.

407.45 Installation
(a) Landscape areas for installed trees shall conform to the following chart. Landscape areas may be depressed to accommodate stormwater runoff provided stormwater overflow is accommodated.

Table 407.45.1
Tree Installation Standards

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Within Parking Areas</th>
<th>Outside Parking Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min pervious area</td>
<td>Min planting area</td>
</tr>
<tr>
<td>Canopy Trees and Other Large Trees</td>
<td>200 s.f.</td>
<td>140 s.f.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>200 s.f.</td>
</tr>
<tr>
<td>Understory Trees and Other Small Trees</td>
<td>120 s.f.</td>
<td>90 s.f.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>120 s.f.</td>
</tr>
</tbody>
</table>

(b) All landscaping and transplanting of landscape materials shall be installed according to sound horticultural principles. All installations shall be performed specific to type, species, soils, environmental conditions and include establishment through water and maintenance to ensure maximum survivability.

1. The required planting area shall be free from compacted material to a minimum depth of 18 inches.

2. The planting hole for trees shall be a minimum of two to three times the size of the width of the rootball, and sloped outward to encourage new root growth.

3. Plants shall be removed from their containers prior to installation.

4. Planting areas containing trees and shrubs shall be mulched to a minimum depth of three inches with organic mulch to the perimeter of the root-ball but not within a radius of six to eight inches from the trunk.

5. After planting and watering in, the top of the rootball shall be one to two inches above ground.

6. Trees shall be staked and guyed as needed. Stakes and guys shall be maintained during the guarantee period, and removed as soon as the tree is established.

7. Trunk protectors are recommended for all installed trees. Trees in turf areas shall have six inch (minimum) trunk protectors.

8. All landscaped areas not covered with vegetation shall be covered with organic mulches. No plastic or other non biodegradable weed cloth or surface covers shall be used.
407.46  Required Irrigation

(a) Landscape Plans

1. All required landscaping shall be provided, at minimum, with a temporary automatic irrigation system sufficient for the establishment and ongoing health of all required landscaping plant material. Where available, reclaimed water shall be used for landscape irrigation. Use of harvested rainwater or stormwater reuse for irrigation is encouraged. Where possible low volume irrigation shall be used.

2. The irrigation system shall be designed by a landscape architect or a certified irrigation designer and shall be installed according to the manufacturer’s specifications and the Standard Plumbing Code, 1994 Edition, promulgated by the Southern Building Code Congress International, Inc. Irrigation plans for any permanent irrigation shall be included in all landscape and planting plans.

3. Irrigation shall promote water conservation by such methods as micro-irrigation or efficient sprinkler zoning. The irrigation system shall be designed and located to minimize the watering of impervious surfaces. Trees shall have individual low flow or micro-irrigation supplies. Once trees and other plant materials are established the use of the irrigation system shall be discontinued.

4. Moisture sensors, weather stations, evapotranspiration (ET) sensors, or rain gauge (automatic rainfall shutoff device) equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall.

5. Prior to the installation of any irrigation systems within a public right-of-way, a right-of-way use permit shall be obtained from the Alachua County Public Works Department. Such system installation shall meet the construction and inspection standards of the Public Works Department.

(b) Alternative Xeriscape Plan

Temporary or minimal irrigation systems acceptable to xeriscape practices may be used when an Alternative Xeriscape Plan has been approved by the DRC. An Alternative Xeriscape Plan may be approved by the DRC when the applicant can assure the health and survivability of all landscaping plant materials.

407.47  Maintenance

(a) The property owner, association or entity shall be responsible for the maintenance of all landscape areas in accordance with the approved landscape or planting plans.

(b) Upon determination by the County, or County-designated qualified specialist, that a required tree or plant is dead or severely damaged or diseased, the tree or plant shall be replaced by the owner with the same or equivalent plant material as approved by the County, in accordance with the standards specified in this Article.

(c) All landscaped areas required as part of a development plan including buffers, whether in common or private ownership, shall be the responsibility of that development’s property owners’ association. Where there is no property owners’
association, such landscaped areas shall be the responsibility of the property owner.

(d) All trees may be pruned to maintain shape and promote their shade-giving qualities. They should be pruned to remove diseased or dying portions in areas where falling limbs could be a hazard to people or property. Lower limbs may be removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow a seven-foot clearance from ground level to avoid potential for damage or injury to both pedestrians and vehicles, after they have adapted to the site. Mature trees overgrowing driveways should be pruned to allow the passage of emergency vehicles. However, the excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of shade, shall be prohibited, and may require supplemental plantings. All pruning shall be done following the American National Standard for Tree Care Operations "Tree, Shrub and Other Woody Plant Maintenance - Standard Practices."

407.48 Alternative Compliance

(a) The provisions of this Article shall be liberally construed to effectively carry out the purpose and the intent of the Alachua County Comprehensive Plan and of this Article in the interest of the health, safety and welfare of the residents of the County.

(b) An applicant may submit a landscape or planting plan which varies from the strict application of the requirements of this Article in order to accommodate unique site features or characteristics or to utilize innovative design.

(c) An alternative compliance landscape or planting plan may be approved only upon a finding that it fulfills the purpose and intent of the Alachua County Comprehensive Plan and of this Article as well as or more effectively than would adherence to the strict requirements.

(d) In evaluating proposed alternative compliance landscape or planting plans, considerations shall be given to proposals which preserve native vegetation and use xeriscape and other low water use landscape design principles and where the design ensures the maximum preservation of existing vegetation on the site.

407.49 Certificate of Compliance

(a) No final certificate of occupancy shall be issued until the County has granted final approval and acceptance of the installed landscape as well as the protection of existing native vegetation. Final approval shall include as-built landscape plan certification from a registered landscape architect certifying that the landscaping is installed and functioning as intended, that prohibited and discouraged non-native vegetation listed in Table 406.16.2 has been removed, and that all of the provisions of this Chapter have been met. The land owner shall submit a Certificate of Compliance, in a form acceptable by the Director, to the County as a condition of issuance of a Certificate of Occupancy. For blocks within TODs/TNDs, a phasing of landscaping installation may be approved by an Administrative Development Plan in order to allow the issuance of a certificate of occupancy for each building separately.

(b) A temporary certificate of occupancy may be issued in those instances where all other site improvements except landscape have been completed, and when
weather conditions are not conducive to planting. Such temporary issuance is subject to the developer certifying in writing and posting of an appropriate surety in the amount of 110% of the certified estimated cost of completion that the required landscaping, as depicted on the approved plan, will be installed within a time period acceptable to the County.

(c) Failure to install or maintain landscaping according to the terms of this Article or any approved plan shall constitute a violation of this Article and subject to the remedies and penalties set forth in Chapter 409 of this ULDC.

**407.50 Appropriate Tree Plantings**

The list of trees identified in Table 407.50.1 below includes all of those appropriate to Alachua County that shall be used to meet the requirements of this Article.

<table>
<thead>
<tr>
<th>Native Scientific Name</th>
<th>Common Name</th>
<th>Maximum Height (feet)</th>
<th>Estimated Crown (20-Year) (feet)</th>
<th>Canopy or Understory</th>
<th>Appropriate Planting Location</th>
<th>Street tree minimum planting area (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acer negundo</em></td>
<td>Boxelder maple</td>
<td>50</td>
<td>30</td>
<td>C,U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Acer rubrum</em></td>
<td>Red maple</td>
<td>80</td>
<td>25</td>
<td>C,U</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Acer saccharinum</em></td>
<td>Silver maple</td>
<td>60</td>
<td>25</td>
<td>C,U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Acer saccharum</em> subsp. floridanum*</td>
<td>Florida maple</td>
<td>60</td>
<td>25</td>
<td>C,U</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Aesculus pavia</em></td>
<td>Red buckeye</td>
<td>40</td>
<td>10</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Aralia spinosa</em></td>
<td>Devil's-walkingstick</td>
<td>30</td>
<td>10</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Betula nigra</em></td>
<td>River birch</td>
<td>60</td>
<td>25</td>
<td>C,U</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Carpinus caroliniana</em></td>
<td>American hornbeam</td>
<td>40</td>
<td>25</td>
<td>U</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Carya aquatic</em></td>
<td>Water hickory</td>
<td>100</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Carya cordiformis</em></td>
<td>Bitternut hickory</td>
<td>100</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Carya floridana</em></td>
<td>Scrub hickory</td>
<td>50</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Carya glabra</em></td>
<td>Pignut hickory</td>
<td>100</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Carya tomentosa</em></td>
<td>Mockernut hickory</td>
<td>100</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Castanea pumila</em></td>
<td>Florida chinquapin</td>
<td>50</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Catalpa bignonioides</em></td>
<td>Southern catalpa</td>
<td>60</td>
<td>20</td>
<td>C,U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Celtis laevigata</em></td>
<td>Sugarberry</td>
<td>100</td>
<td>45</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Cercis canadensis</em></td>
<td>Redbud</td>
<td>30</td>
<td>25</td>
<td>U</td>
<td>S,T,O,P,B</td>
<td>8</td>
</tr>
</tbody>
</table>
## General Development Standards

### Article 4: Landscaping

<table>
<thead>
<tr>
<th>Native Scientific Name</th>
<th>Common Name</th>
<th>Maximum Height (feet)</th>
<th>Estimated Crown (20-Year) (feet)</th>
<th>Canopy or Understory</th>
<th>Appropriate Planting Location</th>
<th>Street tree minimum planting area (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chamaecyparis thyoides</td>
<td>Atlantic white cedar</td>
<td>80</td>
<td>20</td>
<td>C,U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Chionanthus virginicus</td>
<td>White fringe tree</td>
<td>30</td>
<td>10</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Cornus florida</td>
<td>Flowering dogwood</td>
<td>40</td>
<td>25</td>
<td>U</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td>Crataegus michauxii</td>
<td>Michaux's hawthorn</td>
<td>25</td>
<td>15</td>
<td>U</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td>Diospyros virginiana</td>
<td>Common Persimmon</td>
<td>100</td>
<td>25</td>
<td>C, U</td>
<td>S,T,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Fagus grandifolia</td>
<td>American beech</td>
<td>100</td>
<td>30</td>
<td>C, U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Fraxinus americana</td>
<td>White ash</td>
<td>75</td>
<td>40</td>
<td>C</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Fraxinus caroliniana</td>
<td>Carolina pop ash</td>
<td>60</td>
<td>25</td>
<td>C</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Fraxinus pennsylvanica</td>
<td>Green ash</td>
<td>90</td>
<td>30</td>
<td>C</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td>Fraxinus profunda</td>
<td>Pumpkin ash</td>
<td>100</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Gleditsia aquatica</td>
<td>Water locust</td>
<td>50</td>
<td>25</td>
<td>C, U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Gleditsia triacanthos</td>
<td>Honey locust</td>
<td>70</td>
<td>25</td>
<td>C, U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Gordonia lasianthus</td>
<td>Loblolly bay</td>
<td>90</td>
<td>20</td>
<td>C, U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Ilex cassine</td>
<td>Dahoon Holly</td>
<td>50</td>
<td>20</td>
<td>C, U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Ilex opaca</td>
<td>American holly</td>
<td>50</td>
<td>25</td>
<td>C, U</td>
<td>S,T,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Ilex x attenuata 'East Palatka'</td>
<td>East Palatka holly</td>
<td>50</td>
<td>20</td>
<td>C, U</td>
<td>S,T,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Ilex x attenuata 'Savannah'</td>
<td>Savannah holly</td>
<td>50</td>
<td>20</td>
<td>C, U</td>
<td>S,T,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Juglans nigra</td>
<td>Black walnut</td>
<td>60</td>
<td>25</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Juniperus virginiana</td>
<td>Southern red cedar</td>
<td>60</td>
<td>25</td>
<td>C, U</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>Sweetgum</td>
<td>100</td>
<td>30</td>
<td>C</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td>Liriodendron tulipifera</td>
<td>Tulip tree</td>
<td>100</td>
<td>25</td>
<td>C</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Magnolia grandiflora</td>
<td>Southern magnolia</td>
<td>80</td>
<td>20</td>
<td>C, U</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td>Magnolia grandiflora 'Little Gem'</td>
<td>Little gem magnolia</td>
<td>30</td>
<td>10</td>
<td>U</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td>Native Scientific Name</td>
<td>Common Name</td>
<td>Maximum Height (feet)</td>
<td>Estimated Crown (20-Year) (feet)</td>
<td>Canopy or Understory</td>
<td>Appropriate Planting Location</td>
<td>Street tree minimum planting area (feet)</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-------------------</td>
<td>-----------------------</td>
<td>----------------------------------</td>
<td>----------------------</td>
<td>--------------------------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td><em>Magnolia grandiflora</em> 'Alta'</td>
<td>Alta magnolia</td>
<td>40</td>
<td>10</td>
<td>U</td>
<td>S,T,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Magnolia macrophylla</em></td>
<td>Bigleaf magnolia, Ashe magnolia</td>
<td>20</td>
<td>15</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Magnolia virginiana</em></td>
<td>Sweetbay magnolia</td>
<td>80</td>
<td>20</td>
<td>C, U</td>
<td>S,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Malus angustifolia</em></td>
<td>Crabapple</td>
<td>25</td>
<td>15</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Morus rubra</em></td>
<td>Red mulberry</td>
<td>50</td>
<td>30</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Myrica cerifera</em></td>
<td>Waxmyrtle</td>
<td>30</td>
<td>10</td>
<td>U</td>
<td>O,B</td>
<td>N/A</td>
</tr>
<tr>
<td><em>Nyssa aquatica</em></td>
<td>Water tupelo</td>
<td>100</td>
<td>25</td>
<td>C</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Nyssa ogeche</em></td>
<td>Ogeechee tupelo,</td>
<td>80</td>
<td>25</td>
<td>C</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Nyssa sylvatica var. biflora or sylvatica</em></td>
<td>Swamp tupelo, Blackgum</td>
<td>100</td>
<td>25</td>
<td>C</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Osmanthus americanus</em></td>
<td>Wild olive, Devilwood</td>
<td>40</td>
<td>20</td>
<td>U</td>
<td>S,O,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Ostrya virginiana</em></td>
<td>Ironwood, Hop hornbeam</td>
<td>40</td>
<td>25</td>
<td>C, U</td>
<td>S,T,O,P,B</td>
<td>8</td>
</tr>
<tr>
<td><em>Persea borbonia var. borbonia or humilis</em></td>
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<td><em>Pinus glabra</em></td>
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<td>Street tree minimum planting area (feet)</td>
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### Native Scientific Name

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<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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<th>Estimated Crown (20-Year) (feet)</th>
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<th>Appropriate Planting Location</th>
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<tr>
<td>Salix floridana</td>
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### Non-Native Scientific Name

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<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Maximum Height (feet)</th>
<th>Estimated Crown (20-Year) (feet)</th>
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<th>Appropriate Planting Location</th>
<th>Street tree minimum planting area (feet)</th>
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<tbody>
<tr>
<td>Butia capitata</td>
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</table>

### LEGENDS:

<table>
<thead>
<tr>
<th>Appropriate Planting Location:</th>
<th>Canopy tree = provides larger amount of shading high above ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>Street Tree</td>
</tr>
<tr>
<td>T</td>
<td>Tree Grate / Well</td>
</tr>
<tr>
<td>B</td>
<td>Basin Area</td>
</tr>
<tr>
<td>P</td>
<td>Parking Islands</td>
</tr>
<tr>
<td>O</td>
<td>Other Areas Including Common Areas and Buffers</td>
</tr>
</tbody>
</table>

### ADDITIONAL COMMENTS:

All trees on the Alachua County Tree List except pines and palms are suitable for reforestation.
Chapter 407. General Development Standards

Article 5. Open Space

407.51 Purpose
This Article implements the open space policies contained in the Future Land Use, Stormwater and the Conservation and Open Space Elements of the Alachua County Comprehensive Plan and provides for open space areas designed to protect and enhance natural resources, promote pedestrian connectivity and enhance recreational opportunities.

407.52 Minimum Open Space Requirement
Open space shall be provided on at least 20 percent of a development and shall be delineated on all development plans and plats. Within rural clustered subdivisions, as described in §407.77(b) of this Chapter, open space shall be provided on at least 50 percent of a development.

407.53 Primary Open Space Areas
When land development involves a parcel that contains any of the conservation areas listed in subsection (a), the open space requirements shall first be fulfilled with these areas and the required buffers. When the minimum requirement is not fulfilled with conservation areas, the requirements shall then be fulfilled with Natural Areas as listed in subsection (b).

(a) Conservation Areas and Associated Buffers
1. Wetlands;
2. Surface waters within private ownership;
3. 100 year floodplains;
4. Listed species habitat;
5. Strategic ecosystems; and
6. Significant geologic features.

(b) Natural Areas
Significant habitat or other natural features such as steep slopes, ridges, sinkhole areas, or areas that potentially could be utilized to enhance or restore natural features on or adjacent to the development site. This open space shall be useable to the extent consistent with the character and protection of the resource.

407.54 Secondary Open Space Areas
After conservation areas and associated buffers and other natural areas have been set aside as open space, any remaining required open space may then be fulfilled with the qualifying areas listed in this Section, based upon the type of development.

(a) Residential Developments
Within residential developments, the following areas shall be credited toward open space requirements:

1. Community Green Spaces
Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares. Pedestrian amenities and other minor structures that enhance the open space may be permitted within these qualifying open space areas.
2. **Pedestrian Trails**
   Paved or mulched pedestrian trails located within a qualifying open space may be counted towards the required open space area.

3. **Stormwater Management Areas**
   The County may consider stormwater management areas designed consistent with §407.56 and §407.57(a) as credit for open space as long as at least one half of the required open space is fulfilled by non-stormwater qualifying open areas.

(b) **Non-Residential Developments**
   Within non-residential developments, the following areas shall be credited toward open space requirements:

   1. **Community Green Spaces**
      Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares. Pedestrian amenities and other minor structures that enhance the open space may be permitted within these qualifying open space areas.

   2. **Landscaped areas**
      Landscaped areas with a minimum area of 500 square feet and a minimum width of 20 feet containing native species canopy and understory trees, shrubs, and groundcovers consistent with xeriscape principles.

   3. **Stormwater Management Areas**
      All portions of stormwater management areas that are designed consistent with §407.56 and §407.57(a) may be considered as credit for the required open space.

(c) **TNDs, TODs and Mixed-Use Developments**
   Within Traditional Neighborhood Developments, Transit Oriented Developments, Mixed-Use development in Activity Centers, and for redevelopment as defined in Section 407.150, the areas listed in 1, below, shall be credited toward the 20% open space requirement. Open space areas shall meet the design requirements of 2 below.

1. **Type of Open Space Areas**
   a. **Civic Spaces**
      Open areas designed for active or passive recreation that are intended primarily for recreational or pedestrian use, such as community fields, greens, plazas or squares when designed in accordance with §407.54(c)2. Pedestrian amenities and other minor structures that enhance the open area may be permitted within these qualifying open space areas. The use of semi-pervious materials, such as pavers or porous pavement, is required for those portions of civic spaces requiring hardscaping (walkways, courtyards, etc.).

   b. **Landscaped Areas**
      Landscaped areas containing native species canopy or understory trees, shrubs, or groundcovers consistent with xeriscape principles and that have
a minimum area of 40 square feet and a minimum of 5 feet. Landscaped areas may be depressed to accommodate stormwater runoff.

c. **Pedestrian Trails**

Paved or mulched pedestrian trails up to 5 feet in width and located within a qualifying open space may be counted toward the required open space area. The use of semi-pervious materials is encouraged within any open space area.

d. **Stormwater Management Facilities**

All stormwater management facilities utilized to satisfy the 20% open space requirement shall be designed to meet the requirements of §407.56 and §407.57(a) of this Chapter. Within the Village Center of any TND or TOD all stormwater management facilities shall be designed to meet the requirements of §407.56 and §407.57(a) and may be counted toward the required 20% open space.

2. **Minimum Design Requirements**

a. The boundaries of civic spaces shall be clearly delineated during development plan review.

b. A minimum of 20% of any civic space shall be planted.

c. Civic spaces shall be designed to accommodate stormwater from impervious areas within their own boundaries.

d. Hardscaping of civic spaces shall be accomplished by utilizing semi-pervious materials such as porous pavement, permeable pavers, gravel or wood.

e. Civic spaces shall not contain parking or motor vehicle use areas.

f. The use of Low Impact Development techniques is encouraged within civic spaces.

**407.55 Designation of Open Space Areas**

(a) Prior to submitting a development plan or as part of the Pre-application conference, when applicable, an applicant shall consult with staff to identify the most appropriate portion of the development site to be designated as open space.

(b) In addition to the specific standards and priorities set forth in this Article, the following goals shall guide the designation of open space:

1. Primary open space areas shall be useable and connected to the extent consistent with the character and protection of the resource.

2. Primary open spaces should be contiguous to greenways, trails, public parks, or other open spaces on adjoining parcels in order to promote the creation of larger open spaces with greater usability, resource protection, and connectivity.

3. Open spaces should preserve existing natural features that perform stormwater management functions, such as wetlands, riparian vegetation, floodplains, and woodlands, to the greatest extent possible, and incorporate low impact development techniques to further minimize, convey, pretreat, treat and reduce the volume of stormwater runoff generated by development.
407.56 Requirements for Stormwater Management Areas used as Open Space

Stormwater management systems shall be designed in accordance with Article 9 of this Chapter and must complement and be integrated with the other required open space areas. In addition to the design requirements of Article 9 for stormwater management areas, the following criteria shall apply in order to be considered as credit toward the open space requirement:

(a) All stormwater management areas shall also include the following design features:
   1. An initial tier, or forebay, shall be designed to capture the majority of the sediments.
   2. A 12-foot-wide maintained pedestrian path shall be provided around the perimeter of the basin and be connected to pedestrian paths in other qualifying open spaces.
   3. Stormwater facilities designed as open space shall be managed to maintain no more than 5% cover of invasive nonnative plants.

(b) In addition to (a), wet retention/detention basins shall fulfill the following requirements:
   1. Variations in elevations within the treatment volume of the basin. Baffles, islands, berms, channels or other similar measures shall be incorporated to maximize the contact of the stormwater with the surface of the basin. See the Open Space Stormwater Manual for details.
   2. Within the basin, tree islands or other areas above the normal pool elevation shall be planted with an average of 35 trees per acre. Spacing of trees may be closer when trees are planted in groups or clusters. Trees can be from any size category and shall not be placed in the forebay area or within 25’ of any drainage structure.
   3. A littoral zone shall be designed according to applicable WMD requirements regardless of residence time.

(c) In addition to (a), dry retention/detention basins shall fulfill the following requirements:
   1. Within the basin, a variety of native trees shall be provided at an average of 50 trees per acre. Spacing of trees may be closer when trees are planted in groups or clusters. Trees can be from any size category and shall not be placed in the forebay area or within 25’ of a control structure. Certified apparently weed free sod shall be used.
   2. No clearing, mowing or removal of native, non-invasive vegetation shall take place interior to the pedestrian path, except as required to meet the parameters set forth in the stormwater permit or to maintain inlet and outfall structures. As an alternative, a designed landscape plan may be approved by the Development Review Committee that would provide greater or equal biological diversity and enhanced stormwater treatment.
   3. Certain recreational uses may be incorporated in basins for projects that meet LEED or Green Building Certification (Silver rating or higher) requirements (The applicant will need to be able to demonstrate this by final site plan approval).

(d) Stormwater management areas in projects that incorporate Low Impact Development (LID) may receive credit for open space without needing to meet the design criteria outlined in (b) and (c) above. To qualify, a project must demonstrate
that the first inch of runoff from the drainage area will provide water quality
treatment with a combination of two or more LID techniques. These techniques
could include, but not limited to, bioretention (rain gardens), green roofs, cisterns,
soil amendments for planting areas, shared driveways, and similar innovative design
features.

(e) Pervious LID areas, such as green roofs, rain gardens or other areas larger than 500
sq. ft. may be able to receive credit toward open space.

407.57 Access to Open Space

(a) Required open space shall be accessible from the development, with the exception
of Family Homestead Subdivisions as described in subsection (d) of this Section.
Access to the open space areas shall be provided in the form of pedestrian paths that
connect the open space to the transportation network, the mowed path around
stormwater facilities, and open spaces on adjacent developments. These pedestrian
paths shall be shown clearly on the development plan, maintained, and marked
formally at entrances with explanatory signs describing their function and purpose.

When agricultural activities comprise part or all of the open space within a
Rural/Agriculture Clustered Subdivision, accessibility to these areas is not required.

(b) For purposes of this Section, the following factors shall be considered in
determining whether the open space is useable and accessible:

1. Areas useable for passive recreation such as walking, picnicking, wildlife
viewing and similar activities shall be considered accessible for purposes of this
requirement;

2. Wet and natural areas that are not directly or easily accessible may be
considered to meet the requirements of this Section if they can be viewed easily
from adjacent land areas that are also part of the stormwater or open space
system;

3. A periodic lack of public access due to significant rainfall shall not disqualify
such areas from counting toward the required open space percentage.

(c) Basins that require fencing, as defined in §407.92(c), shall not be counted toward
the required open space for a development. For basins that do not require fencing,
decorative fencing may be added as an aesthetic feature, provided that it does not
preclude access to the open space.

(d) Required open space within Family Homestead Subdivisions approved in
accordance with §407.75 may be located on individual lots, subject to approval by
the Development Review Committee. All other requirements of this Article,
including but not limited to standards for location, siting, protection and
maintenance of open space areas shall still apply.

407.58 Protection and Maintenance of Open Space Areas

(a) All open space areas shall be maintained and remain undeveloped.

(b) All open space areas shall be defined in detail on the development plan and
delineated on plats. It shall be a condition of all development approval that such
open spaces shall remain as shown on the development plan or plat, shall remain
useable and accessible as required by this Article, and shall be maintained
accordingly. Any failure to abide by this condition shall be deemed a violation of
the development plan or plat.
(c) All conservation areas including those that contribute towards the required open space shall be identified and protected in accordance with Chapter 406 of this ULDC.

(d) Where deemed necessary to ensure the protection or accessibility of the required open space, the approval of the development may be conditioned on the open space being protected by easements, restrictive covenants, or other legally enforceable instruments that run with the land. All such restrictions shall be recorded in the public records of Alachua County.

(e) A responsible entity, which may include the owner, a property owner’s association, the County, another public agency or a non-profit organization, shall be designated to be responsible for maintaining the open space in a manner that is consistent with all applicable County requirements and the purpose for which it was created.

(f) Any conditions necessary for stormwater facilities to meet open space requirements shall be incorporated into the stormwater maintenance plan. The responsible entity is required to inform the acting maintenance contractors of these conditions.

407.59 Alternative Compliance

(a) The provisions of this Article shall be liberally construed to effectively carry out the purpose and the intent of the Comprehensive Plan and of this Article in the interest of the health, safety and welfare of the residents of the County.

(b) An applicant may submit an open space plan which varies from the strict application of the requirements of this Article in order to accommodate unique site features or characteristics, to provide specialized open space amenities, or to take advantage of innovative design. In no event, however, shall there be variation from the requirement to provide a minimum of 20% of the development site as open space area.

(c) An alternative compliance open space plan may be approved only upon a finding that it fulfills the purpose and intent of the Comprehensive Plan and of this Article as well as or more effectively than would adherence to the strict requirements.

(d) In evaluating proposed alternative compliance plans for open space areas, considerations shall be given to proposals which preserve native vegetation, incorporate low impact development techniques, and use xeriscape and other low water use landscape design principles and where the design ensures preservation of the maximum existing vegetation on the site.
Article 6  Performance Standards

407.60 Nonresidential Performance Standards
These performance standards shall apply to all nonresidential uses:

(a) Fumes, Vapors and Gases
There shall be no emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature which can cause damage or irritation to health, animals, vegetation or to any form of property or which results in the violation of any applicable federal, state or local requirements or creates a public nuisance.

(b) Waste Discharge
There shall be no discharge of any wastes into any private sewage disposal system, surface water body, stormwater management system or into the ground of a kind or nature which can contaminate any water supply or otherwise cause the emission of dangerous elements or conditions or results in the violation of any applicable federal, state or local requirements or creates a public nuisance. There shall be no accumulation of uncontained solid wastes conducive to the breeding of rodents or insects.

(c) Heat, Cold, Dampness or Movement of Air
Activities which shall produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

(d) Odor
There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive or obnoxious or which results in the violation of any applicable federal, state or local requirements or creates a public nuisance beyond the property line on which the principal use is located. Any process, including the preparation of food, which may involve the creation and emission of any such odors shall be provided with both a primary and a secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system.

(e) Glare
There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

(f) Noise
Noise from any activity or from any permissible use of property shall not exceed the standards set forth in Section 110.04 of the Alachua County Code.

407.61 Industrial Performance Standards

(a) All uses in industrial districts shall comply with the standards set forth in this subsection regulating the emission or existence of dangerous, detrimental and objectionable elements, unless allowed through an approved special use permit.

(b) Measurement at the point of emission shall be determined for the following items:
1. **Radioactive Elements**
   
   There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emission at any point. Radiation limitations shall not exceed quantities established as safe by the United States Bureau of Standards.

2. **Electromagnetic Interference**
   
   a. For the purpose of these regulations, electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than planned and intentional sources of electromagnetic energy, which would interfere with the proper operation of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operations, in compliance with the Federal Communications Commission regulations, shall be unlawful if such radiation causes an abnormal degradation of performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content. The determination of "abnormal degradation of performance" and of "quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Radio Manufacturers' Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence of interpretation of the standards and principles shall apply:
     
     i. American Institute of Electrical Engineers;
     
     ii. Institute of Radio Engineers; and
     

   b. It shall be unlawful for any person to operate or maintain any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1,000 watts.

3. **Smoke, Dust and Dirt**
   
   a. There shall be no emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, vents or other openings or from any other source, into the air. which can cause damage or irritation to health, animals, vegetation or to any form of property or which results in the violation of any applicable federal, state or local requirements or creates a public nuisance.
b. There shall be no discharge at any point of liquid or solid wastes into any public sewage disposal system that would overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any industrial wastes into any private sewage disposal system, surface water body, stormwater management system or into the ground which can contaminate any water supply or otherwise cause the emission of dangerous elements or conditions or which results in the violation of any applicable federal, state or local requirements or creates a public nuisance. There shall be no accumulation of uncontained solid wastes conducive to the breeding of rodents or insects.

(c) Measurements of the emission at the property line on which the principal use is located shall be determined for the following items:

1. **Vibration**
   There shall be no perceptible earth vibration. All stamping machines, punch presses, press brakes, hot forging, steam, board hammers or similar devices shall be placed on shock absorption mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity as described by its manufacturer.

2. **Heat, Cold, Dampness or Movement of Air**
   Activities which shall produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

3. **Noise**
   The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not exceed the values given in the following table in any octave band of frequency. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to specifications published by the American Standards Association.

### Table 407.61.1
**Maximum Sound Pressure In Decibels**

<table>
<thead>
<tr>
<th>Cycles per Second</th>
<th>ML</th>
<th>MS/MP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 75</td>
<td>70</td>
<td>73</td>
</tr>
<tr>
<td>75--150</td>
<td>65</td>
<td>68</td>
</tr>
<tr>
<td>150--300</td>
<td>57</td>
<td>60</td>
</tr>
<tr>
<td>300--600</td>
<td>50</td>
<td>53</td>
</tr>
<tr>
<td>600--1,200</td>
<td>44</td>
<td>47</td>
</tr>
<tr>
<td>1,200--2,400</td>
<td>38</td>
<td>41</td>
</tr>
<tr>
<td>2,400--4,800</td>
<td>32</td>
<td>35</td>
</tr>
<tr>
<td>4,800--Over</td>
<td>30</td>
<td>33</td>
</tr>
</tbody>
</table>

**Note.**
1 decibel = 0.0002 dynes per square centimeter

4. **Odor**
   There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which
may involve the creation or emission of any such odors shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

5. **Glare**

There shall be no direct or sky-reflecting glare, whether from floodlights, high temperature processing, combustion, welding or otherwise so as to be visible at the specified points of measurement.

**(d) Fire and Explosion Hazards**

All activities and all storage of inflammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and suppression equipment.
Chapter 407. General Development Standards

Article 7. Traditional Neighborhood Development and Transit Oriented Developments

407.62 Purpose

(a) Traditional Neighborhood Development

The Traditional Neighborhood Development (TND) is intended to provide flexibility in development, encourage a mix of residential housing types, and create the sense of community common in neighborhoods planned in accordance with traditional design principles and the policies of the Comprehensive Plan. Additionally, the design of TNDs allow for mixed-use centers integrated into new residential neighborhoods or combinations of new and existing residential neighborhoods.

(b) Transit Oriented Development

The Transit Oriented Development (TOD) is intended to provide for compact, mixed-use, pedestrian and bicycle friendly communities designed with the densities and intensities needed to support transit service, reduced per capita greenhouse gas emissions and enable an individual to live, work, play and shop in a community without the need to rely on a motor vehicle for mobility.

407.63 Development Concepts

(a) Central Point

Each TND or TOD shall have a defined Central Point. The Central Point should be located in a plaza, square, or open space, or be denoted by an architecturally significant feature. Measurements of the size of Village Centers and Transit Supportive Areas shall be measured from the Central Point.
(b) Village Center
Each TND or TOD shall be designed to include a Village Center that contains the highest densities and intensities of use. The Village Center shall generally extend 1/8 mile from the Central Point and contain a mixture of uses. The Village Center should be designed to provide multiple destinations and to a scale that is comfortable for pedestrians and cyclists.

(c) Transit Supportive Area
The Transit Supportive Area shall generally extend ¼ mile from the Central Point and include the Village Center. The Transit Supportive Area shall provide a scaling of density and intensity from the Village Center to surrounding land uses.

(d) Common Areas
Each TND or TOD shall be designed to provide common areas in the form of plazas, squares, parks, or other open areas. Pervious portions of common areas may be used to satisfy the requirements of Chapter 407 Article 5 Open Space. Common Areas shall be dispersed throughout the development and shall be designed to a scale appropriate for the surrounding development. The integration of low impact development techniques to manage stormwater runoff shall be encouraged within common areas.

(e) Transportation Network
The transportation network shall be designed to provide circulation for transit vehicles, automobiles, bicycles, and pedestrians. The transportation network shall provide for multiple points of ingress and egress from developments, provide for connection to adjacent developments, and allow for multiple route choices between locations.

407.64 Traditional Neighborhood Development

(a) Where Permitted
TNDs may be located on property with any zoning designation except A, C-1, RE, RM-1, MS, MP, ML, MB and C-TDR. The property must also have an urban residential land use designation within the Urban Cluster or be located in an Activity Center in accordance with the Comprehensive Plan.

(b) Uses Allowed
Allowable uses shall be those listed in the Use Table in Article 2 of Chapter 404.

(c) Other General Standards
1. TNDs shall require a minimum of 15 contiguous acres.
2. Each TND shall be designed to accommodate a range of housing types, lot sizes and civic, office, and commercial uses.
3. The TND is created to promote development with well-defined centers and edges, with public, civic, and commercial spaces as organizing elements around which other development is located.
4. Multi-family residential and other high density residential uses shall be located in or near the Village Center or Transit Supportive Area. Lower density residential uses shall be located along the perimeter of the development to provide a transition to surrounding development.
5. TNDs shall be required to provide a compact, mixed-use Village Center that promotes pedestrian and bicycle circulation and provides multiple destinations.

(d) Density and Intensity
1. Within a Traditional Neighborhood Development, allowable residential densities shall be calculated as shown in Table 407.64.1.

<table>
<thead>
<tr>
<th>Table 407.64.1</th>
<th>Traditional Neighborhood Development Residential Density Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential (Dwelling Units per Acre)¹</td>
</tr>
<tr>
<td>Village Center</td>
<td>Minimum</td>
</tr>
<tr>
<td></td>
<td>Greater of 4 or minimum allowed by Future Land Use designation or 8 within a non-residential Future Land Use designation</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>Minimum +4 not on Rapid Transit Corridor or Minimum +8 on Rapid Transit Corridor</td>
</tr>
<tr>
<td>Transit Supportive Area (outside Village Center)</td>
<td>Minimum</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>Minimum +4 not on Rapid Transit Corridor or Minimum +6 on Rapid Transit Corridor</td>
</tr>
<tr>
<td>Outside Transit Supportive Area</td>
<td>Range</td>
</tr>
</tbody>
</table>

¹. Up to twenty-five percent (25%) of the minimum required residential units may be met with rooms in a hotel.

2. Within Traditional Neighborhood Developments, allowable non-residential intensities shall be calculated as listed below:
   a. Each TND shall include a base amount of at least 10,000 square feet non-residential development.
   b. In addition to the base amount, each TND shall also include a minimum of 50 square feet and a maximum of 200 square feet per dwelling unit.
   c. For TNDs within an urban service area, a maximum of 250 square feet per dwelling unit.
   d. Each TND may optionally include up to an additional 10,000 square feet of non-residential development for achieving the maximum allowable density of the Future Land Use designation of the property.
   e. Each TND may optionally include up to an additional 10,000 square feet of non-residential development per dwelling unit above 4 dwelling units per acre.
Each TND may optionally include up to an additional 25,000 square if located contiguous to a Rapid Transit or Express Transit Corridor.

Existing non-residential square footage may be included within or in addition to the above requirements. Civic uses (such as places of worship, libraries, schools, etc.) and live-work studios within the Transit Supportive Area that are functionally integrated into surrounding development and allow for shared parking during hours of non-use may be excluded from the calculation of non-residential uses.

A minimum of 25% and maximum of 75% of non-residential uses shall be retail-commercial uses.

The number of rooms in a hotel may be used in calculating allowable non-residential square footage.

Transit Oriented Development

Where Permitted

TODs may be located on property with any zoning designation except A, C-1, RE, RM-1, MS, MP, ML, MB. The property must also have an urban residential land use designation within the Urban Cluster or be located in an Activity Center in accordance with the Comprehensive Plan.

Uses Allowed

Allowable uses shall be those listed in the Use Table in Article 2 of Chapter 404.

Other General Standards

1. TODs shall be at least 15 acres in size.
2. TODs shall be served by Express Transit Service and be contiguous to a Rapid Transit or Express Transit Corridor, consistent with the Transportation Mobility Element of the Comprehensive Plan.
3. TODs shall be required to provide a compact, mixed-use Village Center that promotes pedestrian and bicycle circulation and provides multiple destinations. The Village Center shall have a transit station with access to a Rapid Transit or Express Transit Corridor.
4. Funding for Express Transit service shall be provided in accordance with §407.65(e).

Density and Intensity

1. Within a Transit Oriented Development, allowable residential densities shall be calculated as shown in Table 407.65.1.
Table 407.65.1
Transit Oriented Development Residential Density Standards

<table>
<thead>
<tr>
<th>Village Center</th>
<th>Minimum</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>Maximum in Urban Service Area</td>
<td>48</td>
</tr>
<tr>
<td>Transit Supportive Area (outside Village Center)</td>
<td>Minimum</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
<td>24</td>
</tr>
<tr>
<td>Outside Transit Supportive Area</td>
<td>Minimum</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
<td>Maximum allowed under Future Land Use or 24 dwelling units per acre in non-residential Future Land Use designations</td>
</tr>
</tbody>
</table>

1. TODs less than 20 acres shall provide a minimum of 200 residential units
2. Up to fifty percent (50%) of the minimum required residential units may be met with rooms in a hotel.

2. Within Transit Oriented Developments, allowable non-residential intensities shall be calculated as listed below:
   a. Each TOD shall include a base amount of at least 10,000 square feet non-residential development.
   b. In addition to the base amount, each TOD shall also include a minimum of 100 square feet and a maximum of 400 square feet per dwelling unit.
   c. For TODs within an urban service area, a maximum of 500 square feet per dwelling unit.
   d. Existing non-residential square footage may be included within or in addition to the above requirements. Civic uses (such as places of worship, libraries, schools, etc.) and live-work studios within the Transit Supportive Area that are functionally integrated into surrounding development and allow for shared parking during hours of non-use may be excluded from the calculation of non-residential uses.
   e. A minimum of 25% and maximum of 75% of non-residential uses shall be retail-commercial uses.
   f. The number of rooms in a hotel and the number of bedrooms in student housing with separately rented rooms and shared living space may be used in calculating allowable non-residential square footage.

(e) Funding of Transit Operations and Maintenance

Express Transit Service shall be provided by Transit Oriented Developments from the development to a central transit hub within the main University of Florida campus consistent with the Express Transit Corridors Map. The peak hour headways to be funded are 15 minutes for two hours in the AM and two hours in the PM consistent with the requirements of the Transportation Mobility Element of the Comprehensive Plan. The Express Transit Service shall be funded for a fifteen (15)
year period in a manner that is proportional to the distance of the development from the proposed terminus of the line and to the density and intensity of the development. Developments approved as a Transportation Concurrency Exception for Projects that Promote Public Transportation (TCEPPT) shall provide transit service for a span of 18 hours with 15 minute peak hour headways for two hours in the AM and two hours in the PM and 25 minute off-peak headways for 14 hours. The employees, employers and residents of the development that contribute towards the Express Transit Service shall be provided with a mechanism that ensures they ride fare-free so long as the development funds transit. The funding mechanism, details, and cost to provide Express Transit Service shall be memorialized in an enforceable developer agreement between the developer and the County in consultation with the Regional Transit System. Annexation into a municipality shall not absolve the development’s requirement to fund express transit service.

407.66 Village Center and Transit Supportive Area Standards for TNDs and TODs

(a) Location

The Central Point of a Village Center shall generally be located at least ½ mile from adjacent Village Centers and Activity Centers. Villages Centers may be located on opposite sides of a major roadway or Rapid Transit or Express Transit Corridor, or within a ½ mile of the intersection of two or more Rapid Transit Corridors. Village Centers may also be closer than ½ mile when required per Section 403.02.5 of this ULDC.

(b) Designation

1. The Village Center shall generally be defined as the area up to 1/8 mile from the Central Point of the development.
2. The Transit Supportive Area shall generally be defined as the area up to ¼ mile from the Central Point of the development.
3. The entire block for which a portion of the block falls within the specified extent of a Village Center or Transit Supportive Area may be designated as being within the Village Center or Transit Supportive Area.

(c) Mix of Uses

1. A minimum of 50% of non-residential square footage of a development shall be provided within the Village Center.
2. A maximum of 50% of non-residential square footage allowed within a development may be located outside the Village Center and within the TSA.
3. A minimum of 25% of the total approved non-residential square footage must be in multistory buildings containing multiple uses. Ten percent (10%) of this non-residential requirement may be met where residential development at least three stories in height is located directly adjacent to retail – commercial development. In this case, the maximum square footage counted towards the requirement shall be limited by the building footprint of the adjacent residential use.

(d) Dimensional Standards

1. The following dimensional standards shall apply within the Village Center and Transit Supportive Area portions of development.
Table 407.66.1
Village Center Dimensional Standards

<table>
<thead>
<tr>
<th>Standards</th>
<th>Retail Use</th>
<th>Other Non-residential, Hotel, Mixed Use, or Multi-family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-to-Line (ft.)</td>
<td>15-25</td>
<td>15-50</td>
</tr>
<tr>
<td>Height, min (stories)</td>
<td>1^2</td>
<td>1^2</td>
</tr>
<tr>
<td>Height, max (stories)</td>
<td>8^3</td>
<td>8^3</td>
</tr>
<tr>
<td>Single Tenant Building footprint, max (sq ft)</td>
<td>50,000^4</td>
<td>65,000</td>
</tr>
</tbody>
</table>

1. The build-to-line shall be established from the back of curb of a public or private street or pedestrian circulation areas where a building fronts a plaza, square or other open civic space.
2. If only 1 story, building façade shall use architectural features to enhance the vertical scale of the building.
3. Additional stories above the fifth shall be stepped back to enhance the pedestrian scale of the street.
4. Except as permitted by Section 407.66(d)2
5. Up to an additional 15’ may be added to the build-to-line to accommodate outdoor seating for uses such as cafes, bistros, coffee shops or restaurants.

Table 407.66.2
Transit Supportive Area Dimensional Standards

<table>
<thead>
<tr>
<th>Standards</th>
<th>Retail Use</th>
<th>Other Non-residential, Hotel, Mixed Use, or Multi-family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-to-Line (ft.)</td>
<td>15-25</td>
<td>15-50</td>
</tr>
<tr>
<td>Height, min (stories)</td>
<td>1^2</td>
<td>1^2</td>
</tr>
<tr>
<td>Height, max (stories)</td>
<td>6^3</td>
<td>6^3</td>
</tr>
<tr>
<td>Single Tenant Building footprint, max (sq ft)</td>
<td>50,000^4</td>
<td>65,000</td>
</tr>
</tbody>
</table>

1. The build-to-line shall be established from the back of curb of the public or private street or pedestrian circulation areas where a building fronts a plaza, square or other open civic space.
2. If only 1 story, building façade shall use architectural features to enhance the vertical scale of the building.
3. Additional stories above the third shall be stepped back to enhance the pedestrian scale of the street.
4. Except as permitted by Section 407.66(d)2
5. Up to an additional 15’ may be added to the build-to-line to accommodate outdoor seating for uses such as cafes, bistros, coffee shops or restaurants.
2. A single-tenant retail building may be allowed to exceed 50,000 square feet by providing one of the following:
   a. Separate liner buildings oriented toward the street on at least 3 sides of the building, with parking to the rear of the building or the rear of the building lined by other liner buildings; or
   b. Vertical mixture of uses with at least one story above the ground floor; or
   c. Multiple floors with a maximum of 50,000 square feet per floor; or
   d. Parking on the top or completely enclosed within the building; or
   e. Parking in front of the building provided all off-street surface parking and the side and rear of the building are screened from adjacent streets by liner buildings.

407.67 Residential Areas in TNDs and TODs

(a) Mix of Uses
1. A maximum of 10% of the total approved non-residential square footage, not to exceed 100,000 square feet, may be located outside the Transit Supportive Area (TSA).
2. Civic uses (such as places of worship, libraries, schools, etc.) and live-work studios located outside the TSA shall be counted toward the maximum non-residential square footage of a development and toward the 10% allowed outside the TSA.

(b) Dimensional Standards
The following dimensional standards shall apply with the Residential Area portion of a TND or TOD.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Single-family detached</th>
<th>Single-family attached</th>
<th>Multi-family and Non-residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, minimum (ft.)</td>
<td>10</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Front, maximum (ft.) or garage¹</td>
<td>20</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Side, interior (ft)²</td>
<td>5</td>
<td>N/A²</td>
<td>10</td>
</tr>
<tr>
<td>Side, street (ft)</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear (ft)</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Rear, accessory (ft)</td>
<td>7.5</td>
<td>7.5</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Standards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, maximum (ft)</td>
<td>30</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>Building footprint, max (sq ft)</td>
<td>N/A</td>
<td>N/A</td>
<td>65,000</td>
</tr>
<tr>
<td>Single retail tenant size, max (sq ft)</td>
<td></td>
<td></td>
<td>50,000*</td>
</tr>
</tbody>
</table>

*Retail buildings may be allowed to exceed 50,000 sq.ft. consistent with §407.66.2 above.
¹The Garage Front setback applies only to the garage portion of the structure when the garage opening faces the front of the street.
²Minimum side setbacks do not apply to zero lot line developments provided the building spacing requirements of the Florida Building Code, Table 600, are met.
³Minimum side setbacks do not apply to single family attached units.
407.68 Transit Supportive Area Design Standards

(a) Block Perimeter

1. The TSA in TND and TOD developments shall be designed with a regular block pattern. Blocks within the TSA shall have a maximum perimeter consistent with this Section. The perimeter of a block shall be measured from the back of curb. Conservation areas, topographic constraints and property boundary lines can form the sides of a block.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Block Perimeter (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Standard</td>
</tr>
<tr>
<td>Village Center</td>
<td>1,300</td>
</tr>
<tr>
<td>Inside the TSA, outside the VC</td>
<td>1,600</td>
</tr>
</tbody>
</table>

2. The extended maximum block perimeter in Table 407.68.1 may be used if the block contains parking interior to the block.

3. In addition to the extended block, an additional 700 ft. of block perimeter may be allowed where a continuous 10 foot multi-use path with limited vehicular crossings and with shade trees alternating 40 feet on center is provided. This path forms an internal bicycle and pedestrian block that does not exceed the extended perimeter block length.

4. For projects of 100 acres or more, maximum block perimeter may be extended up to 3,000 feet if the block contains:
   a. A parking structure with at least one level above surface parking; or
   b. A single tenant retail use greater than 25,000 square feet with parking interior to the block

(b) Building Orientation and Design

1. Orientation and Location
   a. The front of buildings shall be oriented toward the more primary adjacent street. Where a building is not adjacent to a street, the front of the building shall be oriented toward an open space or civic space.
   b. Primary pedestrian entrances to buildings shall be provided and accessible on the front of a building with limited exceptions allowed for residential or lodging uses that have units fronting a parking area located interior to a block.
   c. Shade along the building frontage shall be provided for pedestrians through architectural features such as covered walkways, terraces, balconies, awnings and street trees.

2. Scale and Massing
   a. Individual buildings shall use human-scaled, pedestrian-oriented architectural features, such as windows, balconies, porches, awnings and arcades, and shall clearly articulate the first story and primary entrances. Decorative, pedestrian scale lighting shall be provided at the entrance of all buildings.
b. Any building with a single frontage of more than 100 feet shall be designed to create a visual impression of a series of smaller buildings or sections. Windows, doors, shutters, columns, masonry detailing and variations in the front roofline, recessed building walls and variations in colors and materials shall be used to break up the mass of a single building.

c. Buildings within a block shall reflect a continuity of building scale at the building line.

d. Buildings shall avoid uninterrupted walls or roof planes. Windowless walls are prohibited along street frontages. Walls shall be broken up using a variety of articulation techniques and areas of transparency.

3. Building Articulation & Materials

   a. No more than 25 feet of horizontal distance of a wall shall be provided without articulation or architectural relief for building walls facing a street or Open Space, even if the building wall faces a street or open space outside of the TND or TOD.
   
   b. At least 25% of the exterior siding material must be different than the primary siding material, except for brick and stone.

4. Glazing

   a. Glazing shall be provided on front and side building walls for all façades that front a street, civic space such as a plaza or square, or directly adjacent pedestrian walkway.
   
   b. Glazing percentages for the first floor shall be calculated based upon the façade area between 3 feet above grade and 8 feet above grade. Glazing percentages for floors above the first shall be calculated based upon the full façade area.

      i. Front building walls shall have windows covering at least 50 percent of the first floor façade. Front building walls above the first floor shall have at least 20 percent glazing.

      ii. Side building walls shall have windows covering at least 30 percent of the first floor façade. Side building walls above the first floor shall have at least 10 percent glazing.

   c. Operable entrance doors shall be excluded from the calculation of total façade surface area.

   d. Windows or glazed areas facing a sidewalk on the first story of a commercial or mixed-use building shall use glass which is at least 80 percent transparent.

5. Garages

   Garages serving single-family or multi-family uses shall provide entries from alleys or side streets with anticipated daily traffic volumes of less than 1,200 AADT wherever practicable. Front-entry garages shall be set back a minimum of 10 feet behind the primary building line.
6. Parking Structures

Parking structures shall be designed to allow for commercial, office, civic or residential uses lining the structure on the ground floor where the parking structure abuts a street. The parking structure shall be designed to integrate seamlessly with surrounding development and shall provide pedestrian oriented design on the ground floor abutting a street.
Sample Block Showing: (1) parking interior to the block; (2) limited, pedestrian scaled common areas screening the surface parking; (3) back of curb; and (4) block perimeter measured at the back of curb.
7. Collonades
Roof or overhangs supported by collonades at or within seven feet of a sidewalk shall have a minimum clearance height of nine feet (excluding signage or lighting).

8. Existing Buildings
Every effort shall be made to meet the TND requirements by appropriately incorporating existing buildings into the design of the neighborhood.

9. Trash Collection Facilities
All recycling and trash collection facilities shall be located to the rear of buildings or within buildings or parking facilities. All recycling and trash collection facilities shall be screened as required by §407.10(b) of this ULDC.

10. Utilities
Above ground utilities, except for life safety, should be located to the rear and side of buildings. All above ground utility access, transfer and conveyance points such as panels, boxes, meters, and valves shall be screened from the street and sidewalks through architectural features and / or landscaping.

(c) Parking
1. Off-street Surface Parking
Off-street surface parking is not required. Where provided, off-street surface parking shall meet the standards of the Parking Schedule in Table 407.68.2. These maximums shall not apply to structured parking, park-and-ride, and on-street parking.

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential</td>
<td>3 per 1,000 sq ft Gross Floor Area</td>
</tr>
<tr>
<td>Multi-family residential and hotel</td>
<td>.5 per 400 sq ft Gross Floor Area</td>
</tr>
</tbody>
</table>

1. Parking spaces may be pooled and utilized anywhere within the development

   a. Off-street surface parking shall be located to the rear of buildings and interior to the block. A minimum of 75% percent of the perimeter block length shall be lined by buildings, excluding access to off-street surface parking. Along any portion of a block not lined by buildings, off-street surface parking shall be located at least 25 feet from the back of curb. To screen the parking, between the back of curb and off-street parking, there shall be a sidewalk and a plaza with lighting, seating, architectural features, landscaping, low impact development techniques and 50 percent of ground surface areas under mature tree canopy at 20 years.

   b. Up to two driveways may be provided per block face. However, no block shall have more than 6 driveways.

   c. Off-street surface parking areas adjacent to a conservation area, topographical constraint, or property boundary and not lined by buildings shall provide a minimum of an 8 foot wide multi-use path with shade trees alternating 40 foot on center. The perimeter block length along a conservation area, topographical constraint, or property
boundary may exceed 25% of the total block perimeter; however the remainder of the block shall be lined by buildings, excluding access to off-street parking.

d. Off-street parking shall clearly delineate routes for pedestrians and bicycles through parking areas to accommodate safe and convenient pedestrian and bicycle circulation between uses and create a park-once environment.

e. A single transitional off-street surface parking area may be allowed per development. The perimeter block length shall not exceed the perimeter block length requirements of this article. Plans shall be submitted demonstrating how liner buildings will be provided at a future date along with justification why the additional parking is needed and why it cannot be provided elsewhere. Within this block, off-street surface parking shall not be located closer than 25 feet to the back of curb and off street surface parking shall be lined by a sidewalk and a plaza with lighting, seating, architectural features, landscaping and 50 percent mature tree canopy at 20 years.

f. In addition to the single transitional lot, a TOD more than 100 acres in size is allowed one block with parking interior per every 100 acres where the block face is lined by buildings on 50% or greater of the block so long as there are buildings on three sides of the block face and at least one of the structures on the block is multistory. Off-street surface parking shall be set back at least 25 feet from the back of curb. To screen the parking, within the setback there shall be a sidewalk and a plaza with lighting, seating, architectural features, landscaping and 50% mature tree canopy at 20 years.

g. Single occupant retail uses greater than 25,000 square feet per floor may have parking in front of buildings provided all surface parking and the side and rear of the building are screened from adjacent streets by liner buildings. The rear of the building for single occupant retail uses between 25,000 and 50,000 square feet per floor may front a street as long as a functional entrance is provided and the architecture of the building provides a pedestrian friendly environment in compliance with all design requirements for buildings fronting a street.

h. Off-street surface parking areas shall be landscaped to reduce heat-island effects, stormwater pollution and rate of flow from developed areas, minimize glare, and limit noise impacts from automobile uses.

i. Off-street parking areas shall contain sufficient canopy trees to produce a mature canopy that provides 50% shading of paved areas within 20 years. Canopy trees are identified in Table 407.50.1 of this Chapter.

ii. The minimum planting area for trees shall be 25 sq. ft. The planting area shall be clear of impervious or semi-pervious materials but may include additional landscaping materials. Additional semi-pervious areas for trees shall vary according to Table 407.68.3.
iii. Planting strips, medians, islands, bulb-outs, or other planting areas may be depressed to accommodate stormwater runoff provided stormwater overflow is accommodated.

Table 407.68.3
Canopy Tree Planting Requirements for Off-Street Parking Areas

<table>
<thead>
<tr>
<th>Planting Area (sq. ft.)</th>
<th>Minimum Additional Semi-pervious Area (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-50</td>
<td>400</td>
</tr>
<tr>
<td>51-100</td>
<td>200</td>
</tr>
<tr>
<td>101-200</td>
<td>100</td>
</tr>
<tr>
<td>&gt;200</td>
<td>0</td>
</tr>
</tbody>
</table>

iv. The use of semi-pervious materials, such as pavers or porous pavement, is encouraged throughout parking areas to maximize the amount of usable space and ensure survival of landscaping.

2. Vehicular use areas, other than off-street surface parking, shall be located to the rear of buildings. Limited exceptions may be allowed for loading areas separated from through traffic by a physical barrier.

(d) Roadway Network Design

1. Roadways within the Transit Supportive Area shall be designed consistent with Table 407.68.4 and the following standards:

   a. All roadways within the Transit Supportive Area shall provide curb-and-gutter on both sides of the roadway. The use of curb-cuts and other Low Impact Development techniques shall be encouraged and allowed.

   b. All roadways within the Transit Supportive Area shall provide street trees. Standards for street tree planting shall be consistent with §407.43.1(b) of this Chapter. Street trees may be provided in bulb-outs.

   c. In the Transit Supportive Area sidewalks shall be provided on both sides of streets. The DRC may approve a cross-section that includes a sidewalk on only one side of a street in limited situations where a single sidewalk would not reduce pedestrian circulation. Streetscape elements within the Transit Supportive Area shall include pedestrian scale lighting, street furniture, waste receptacles, locational maps, planters and street trees.

   Required minimum sidewalk widths are:

   i. 8 feet for single family attached/multifamily/nonresidential (excluding commercial);

   ii. 10 feet for commercial/mixed use;

   d. Single family detached areas shall provide either 6’ sidewalks on both sides of streets or a single 10’ multiuse path if the front of the homes are oriented to the path.

   e. Innovative traffic calming techniques, except along roadways identified on the Future Highways Functional Classification Map in the Comprehensive Plan, are allowed along roadways and at intersections within the development. Techniques may include raised intersections, woonerfs (streets where pedestrians and cyclists have legal priority using techniques including shared space, traffic calming and low speed limits),
shared multi-modal spaces with reduced markings and signage in addition to other innovations that enhance pedestrian and bicycle mobility. For publicly-maintained roadways projected to carry more than 7,500 daily trips, traffic calming techniques shall be limited to horizontal deflections.

### Table 407.68.4
**Roadway Design Standards for Transit Supportive Area and Village Center**

<table>
<thead>
<tr>
<th>Daily Trips</th>
<th>Number of Lanes</th>
<th>Design Speed (mph)</th>
<th>Travel Lane Type Width (ft)</th>
<th>Access Type</th>
<th>Median (ft)</th>
<th>Bike Lanes (ft)</th>
<th>On-Street Parking (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 1,200</td>
<td>2</td>
<td>25</td>
<td>Cartway 18-20</td>
<td>Direct</td>
<td>No</td>
<td>No</td>
<td>7</td>
</tr>
<tr>
<td>1,200 - 2,500</td>
<td>2</td>
<td>25</td>
<td>Marked Lanes 10</td>
<td>Limited</td>
<td>10 (Optional)</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>2,500 - 7,500</td>
<td>2</td>
<td>30</td>
<td>Marked Lanes 10</td>
<td>Limited</td>
<td>12 (Optional)</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>7,500 - 20,000</td>
<td>2</td>
<td>35</td>
<td>Marked Lanes 10</td>
<td>Limited</td>
<td>16-22</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>15,000 - 40,000</td>
<td>4</td>
<td>35</td>
<td>Marked Lanes 10</td>
<td>Limited</td>
<td>16-22</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

1. If transit is projected to run on the roadway outside of dedicated transit lanes, then the lane width shall be 11’.
2. “Direct” means that individual uses may utilize a driveway to the road. “Limited” means that individual uses must utilize a shared separate roadway, driveway or alley.
3. Bike lanes not adjacent to parallel parking may be reduced to 4’. Bike lanes are optional for roadways between 2,500-7,500 ADT that are less than ¼ mile in length or interrupted with stop control at intersections spaced no more than 660 feet apart and are located within a TOD.
4. On-street parking is optional, but must be provided on the majority of streets. Provision of on-street parking shall be adequate to serve the proposed intensity of development in order that the required clearances for public safety vehicles are maintained. Angled parking is allowed on all roadways. Where on-street parallel parking is provided it must be marked at the width indicated in the table or greater. The gutter pan of curbs can be used to meet the minimum on-street parking widths.
5. Roadways with dedicated transit facilities located within the right-of-way shall be designed on a case-by-case basis and shall provide bicycle and pedestrian facilities and where practical, on-street parking.

2. Table 407.68.4 does not preclude the development of one-way streets. The design of one-way streets, alleys and streets featuring dedicated transit lanes shall be reviewed on a case-by-case basis. One-way streets shall have a pavement width between 12 and 14 feet.
3. Cross access and stub streets shall be provided in order that the general block pattern of the development can be continued on adjacent properties upon development or redevelopment.

4. **On Street Parking**
a. Defined on-street parking shall be provided on the majority of block faces within the Transit Supportive Area, and is allowed throughout the rest of the development. Bulb-outs and curb extensions shall be provided at a maximum interval of 200 feet. For block faces less than 200 feet, a bulb-out shall be provided at both ends of the block face.
b. On through collector and arterial roadways with a projected AADT greater than 5,000 trips angled on-street parking shall be accessed via a drive aisle separated from through traffic by a landscaped median.

c. Parallel on-street parking or angled parking accessed by a drive-aisle separated from through traffic by a landscaped median are allowed and encouraged on arterial and collector roadways so long as it can be done in a safe manner that does not negatively impact the operations of the facility.

d. The use of semi-pervious materials, such as pavers or porous pavement, is encouraged within on-street parking areas to reduce stormwater runoff and delineate parking areas.

5. **External Connectivity**

Street stubs shall be provided to adjacent open land and adjacent developed parcels other than platted subdivisions to provide for future connections. Signs shall be posted, at the expense of the developer, advising residents of the intent and purpose of the stubbed street. Cul-de-sacs shall be permitted only where environmental concerns or existing platted development makes a street connection impracticable. Cul-de-sacs shall not exceed 250 feet in length and shall be accessed from a street providing internal or external connectivity.

6. **Utilities**

a. Underground utilities are to be compressed to minimize right-of-way width, allow adequate space for street trees and provide for the visual definition of the street. Appropriate utilities shall be allowed to be placed in joint trenches.

b. All above ground utility access, transfer and conveyance points such as panels, boxes, meters, and valves shall be screened from the street and sidewalks through architectural features and/or landscaping.

c. Pressurized lines are allowed to be placed under roadways not shown on the Future Highway Functional Classification Map in the Comprehensive Plan and on roadways projected to carry less than 15,000 daily trips.

(e) **Transit Network Design**

1. For developments contiguous with a Rapid Transit Corridor, dedicated transit lane(s) for use by transit vehicles or fixed guide-way rail lines for streetcars or light rail shall be provided within or adjacent to the development consistent with the Rapid Transit Corridor Map. Dedicated transit lanes for buses shall be designed as concrete ribbon drives with raised curbs in a median or in right-of-way separated from motor vehicle travel lanes, except on bridges. Dedicated transit lanes shall be designed and constructed in such a manner that they cannot be used for motor vehicle travel, other than transit vehicles. Multi-lane roadways in-lieu of dedicated lanes may be provided within the transit supportive area for developments that can demonstrate future transit headways of 10 minutes can be maintained and feature either block lengths that average 1200 perimeter feet or less or include fixed guide-way rail lines.
Regional Transit System (RTS) shall be a reviewing entity along with the County and FDOT along State roadways.

2. Developments contiguous with the portion of the Express Transit Corridor along Tower Road shall provide either site related turn out facilities (bus bays) or dedicated lane(s). Regional Transit System (RTS) shall be a reviewing entity along with the County and FDOT along State Roadways.

3. For developments contiguous with a Rapid Transit Corridor, a park and ride facility shall be provided within or adjacent to the development in close proximity to the transit station consistent with the Rapid Transit Corridor Map. Park and ride facilities shall be designed for shared evening and weekend use by the development. Park and rides shall be designed in accordance with block, street tree and pedestrian facility requirements of this ULDC and are encouraged to be screened by liner buildings. The size of the park and ride facility shall be based on projected demand relative to the size and location of the development. Park and ride facilities shall be coordinated and jointly planned where developments are directly adjacent. Regional Transit System (RTS) shall be a reviewing entity along with the County and FDOT along State roadways.

4. For developments contiguous with a Rapid Transit Corridor, a principal transit station shall be provided adjacent to the corridor within the Village Center. The transit station shall be of sufficient size and scale to accommodate the projected ridership from the development. Transit stations shall feature solid roofs and protection from the elements along the perimeter of the station through architectural features. The transit station shall be architecturally integrated with the development. The transit station shall provide lighting, seating, waste receptacles, kiosk with maps and route information, a route map, a digital display indicating arrival times and a means to provide air circulation and cooling within the station. The station shall include a facility for purchasing transit passes. The transit station should be integrated with retail uses or provide adequate space for future retail uses.

5. For developments contiguous with a Rapid Transit Corridor, smaller transit stations which feature solid roofs, some protection from the elements, lighting, seating, route maps and a digital display indicating arrival times are encouraged to be located along the corridor and are required if more than a ¼ mile from the principal transit station. The transit station should be integrated with retail uses or provide adequate space for future retail uses.

407.69 Standards for Development Areas Outside the Transit Supportive Area

Single family residential development outside the Transit Supportive Area shall be subject to the subdivision Regulations of Article 8 Chapter 407 with the following additional standards.

(a) Development outside the Transit Supportive Area shall have a maximum block perimeter of 2000 linear feet.

407.70 Open Space and Landscaping

(a) Open Space

Open Space shall be provided on at least 20 percent of any TND or TOD and shall be delineated on all development plans and plats. Required Open Space shall first
be satisfied with any Primary Open Space Areas as defined in §407.53 of this Chapter, and then in accordance with §407.54(c).

(b) Landscaping

1. All TNDs and TODs shall submit a Landscape Plan consistent with Sections 407.41 and 407.42(a) of this Chapter.

2. Project Boundary Buffers
   a. Where new TND or TOD development abuts existing single family detached residential development the following shall apply:
      i. For proposed development that abuts a portion of an existing development of lots in excess of 20,000 square feet, the minimum size for abutting lots shall be 20,000 square feet with a minimum lot width of 110 feet.
      ii. For proposed development that abuts a portion of an existing development of lots between 10,000 and 20,000 square feet, the minimum size for abutting lots shall be 10,000 square feet with a minimum lot width of 80 feet.
      iii. For proposed development that abuts a portion of existing single-family detached lots of less than 10,000 square feet, the TND or TOD shall provide buffer uses and lot sizes consistent with the R-1a zoning district.
      iv. In lieu of providing the minimum lot size or width for the abutting lots as stated above in i, ii and iii, a minimum of a 50 foot wide medium density landscaped buffer, as provided in §407.43 of this Chapter may be utilized.
   b. Where new development in a TND or TOD abuts existing industrial development, the new development shall provide a 45’ high density buffer as defined in Table 407.43.2 of this Chapter.
   c. Project Boundary Buffers shall not be located on individual lots. No structures are permitted in project boundary buffers except fire hydrants, concrete valve markers, underground utility markers, switches, bus shelters or benches, incidental signs not exceeding two square feet in area, and screening. No parking is allowed in project boundary buffers.
   d. Project Boundary Buffers may include portions of the stormwater management system so long as the character and intent of the buffer is not diminished. At a minimum, the buffer shall include all of the required plantings at the normal grade of the site at the property line.
   e. Pedestrian access through a buffer to adjacent uses may be permitted. Trails within a buffer may be permitted provided the character and intent of the buffer is not diminished.
   f. Utility lines may cross the buffer provided that the amount of buffer compromised is minimized while maintaining the specified number of plantings required in Table 407.43.2 of this Chapter.
Chapter 407. General Development Standards

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3. Roadway Buffers

The following types of roadway buffers shall be required (road classifications are provided in the Transportation Mobility Element of the Comprehensive Plan). Any vegetation planted near driveway and road intersections shall be selected so that the area defined by the FDOT sight triangle shall remain clear.

a. Interstate I-75 Buffers

All TNDs and TODs shall provide a 25 foot wide Medium density buffer along the entire project boundary adjacent to the I-75 right-of-way consistent with §407.43(a). Screening shall not be required. Existing natural vegetation and street trees provided within an adjacent roadway or along a multi-use trail may be used to fulfill the landscaping requirement where such existing natural vegetation is of sufficient height or can be augmented to reach a sufficient height and opacity to provide an effective visual buffer.

b. Arterial Street Buffers

All developments located along an arterial street shall be required to provide one of the following buffers along the entire street frontage:

i. Three canopy trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer; or

ii. Two canopy trees and two understory trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer; or

iii. Under utility lines only, four understory trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer.

iv. Arterial street buffers may average ten feet in width provided that no portion of the street buffer shall be less than five feet in width.

v. Where the fronts of buildings are oriented towards an arterial street the buffer requirements are as follows:

(a) A 15 foot buffer from the back of curb along arterials with landscaping as required in i, ii, iii above;

(b) A buffer based on clear recovery areas from the edge of pavement along rural section arterial streets with landscaping as required in i, ii, iii above.

(c) Sidewalks shall be located between the buffer and the front of the building. Existing sidewalks more than 660 feet in length shall be relocated between the buffer and the front of buildings where the required buffer widths do not presently exist. Sidewalks shall be 12 feet in width along arterials.

(d) Parallel on-street parking or angled parking accessed by a drive-aisle separated from through traffic by a landscaped median is

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allowed and encouraged so long as it can be done in a safe manner that does not negatively impact the operations of the arterial or collector.

**e** Buildings shall be set-back between twenty five and forty feet from the back of curb on urban section streets and edge of pavement on rural section streets.

c. **Measurements**

   i. All roadway buffers excluding §407.70(c).3.b.v. shall be measured from the future right-of-way line determined during development plan review, unless additional public utility easement is required between the right-of-way line and the buffer to provide utility clearance.

   ii. If a street is platted but has not been constructed, it shall be buffered and treated as a street, even where no pavement currently exists.

   iii. Vehicular access easements shall not be treated as a street, but shall be buffered as a project boundary buffer outside the easement area. The buffer may be provided on either side of the easement.

4. **Required Tree Plantings in Pedestrian Walkways**

   Areas dedicated to pedestrian circulation that are not coincident with a street shall have canopy trees spaced no more than an average of 40 feet on-center on alternating sides of the walkways.

5. **Landscape Design of Stormwater Management Facilities**

   All surface stormwater management facilities located within the Village Center area of TNDs and TODs shall be designed to meet the criteria of Chapter 407 Article 5 Open Space and Article 9 Stormwater Management Facilities. Landscaping shall be provided consistent with §407.43.2 of this Chapter.

6. **Utility Service**

   a. Proposed overhead or underground utility service facilities shall be designed to provide clearance from the mature height of trees and landscaping proposed on the landscape plan.

   b. Existing overhead or underground utility service facilities shall be considered in the design of the landscaping to provide clearance from the mature height of trees and landscaping.

   c. Any vegetation within a public utility easement shall conform to accepted vegetation management standards. In all cases the minimum requirements of this Article shall be met.

7. **Required Plant Materials, Installation, Irrigation, and Maintenance**

   All TODs and TNDs shall meet the requirements of §407.44 through §407.47 of this Chapter.
Chapter 407. General Development Standards
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407.71 Alternative Compliance
It is the intent of these regulations to implement the requirements for TNDs and TODs in the Alachua County Comprehensive Plan. Where an applicant can demonstrate that an alternative design concept will produce superior results while maintaining consistency with the Comprehensive Plan, the reviewing board may approve an alternative compliance implementation.
Chapter 407. General Development Standards

Article 8. Subdivision Regulations

407.72 Purpose

It is the purpose of this Article to provide criteria for the subdivision of land for residential purposes and to implement policies of the Alachua County Comprehensive Plan.

407.73 General Provisions

(a) All subdivision applicants are required to file a plat in accordance with Article 12 of Chapter 402 except as provided for below in subsection (f) and §407.75.

(b) All subdivisions located within areas designated Rural/Agriculture on the Future Land Use Map 2020 and containing 25 or more lots shall be designed as a Rural/Agriculture Clustered Subdivision consistent with §407.77 of this Article.

(c) For subdivisions located within areas designated Rural/Agriculture and not designed as a Rural/Agriculture Clustered Subdivision as provided in §407.77, no more than 150 lots smaller than eight acres in size, shall be authorized in a calendar year.

(d) No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided in §407.75, §407.76, and §407.154. Paved public road access does not include alternative surface treatments utilized as a part of the Alachua County Unimproved Road Program.

(e) No person may divide a lot of record, which does not meet the definition of parent tract unless they comply with these subdivision regulations.

(f) A parent tract may be divided once without complying with these subdivision regulations provided all of the conditions below are met:

1. The parent tract must have public road frontage on and the capability to have direct access to an existing publicly maintained street. The newly created lots must each have a minimum frontage of 250 feet or greater. Parcels separated from a public street by a utility right-of-way shall be considered to have frontage on the street. Where the minimum of 250 feet of frontage cannot be met for each lot, or where the lot is separated from the public street by the utility right-of-way, the one split may provide joint driveway access to the public street in lieu of public street frontage for both lots upon approval by the County Engineer. If the parcel fronting the public road has access to a privately-maintained road that meets minimum width, stabilization, and maintenance requirements as determined by the Public Works Department and for which the applicant can provide proof of legal access, the private road may be used in lieu of a common driveway connection to the public road.

2. The new lots created meet all other relevant requirements of this ULDC.

3. The lot split must be memorialized in a document recorded in the public record. For purposes of these regulations, lots created by a plat recorded in a deed book and/or government lots established prior to June 1, 1960 may be divided once provided they meet the public road frontage requirements and shall not be subject to the replat requirements or full compliance with this Article but must be memorialized in a document recorded in the public record.
4. Any further division of a parent tract shall be deemed a subdivision and shall comply with relevant regulations of this ULDC.

5. A parent tract that was created by means of a variance granted by the Board of Adjustment, or a variance granted by the Board of County Commissioners may not be split, unless the variance was approved prior to October 2, 1991 and the purpose of the split is for a Family Homestead Exception in accordance with Chapter 402 Article 23 or the purpose of the split is for an immediate family member as defined in Article 23 of Chapter 402 and shall be subject to the occupancy requirements of 402.142(b)5.

(g) Parent tracts heretofore divided into parcels may be re-configured; provided, however, that the sale, exchange or reconfiguration of lots to or between adjoining property owners of the re-subdivided lots meet all of the following:

1. Does not create additional lots or the potential for additional lots per (f) above;

2. Does not alter rights-of-way or other areas dedicated for public use;

3. The reconfigured lots and any residual land meets the requirements of the Alachua County ULDC;

4. The lot or parcel was not created by means of a variance granted by the Board of Adjustment or a variance granted by the Board of County Commissioners; and

5. Lots previously created by the recordation of a plat shall require a replat and compliance with this Article, except as provided in subsection (f)3.

(h) Lots previously approved by variance shall not be reconfigured without full compliance with this ULDC, except in accordance with subsection (f) of this Section.

(i) No building shall be erected on a lot or parcel of land within the area of the county subject to this Article, nor shall any building permit be issued, unless:

1. The street giving access to the lot or parcel on which such dwelling is proposed to be placed has been accepted and opened as a public street or has otherwise received the legal status of a public street, or such street is shown on a legally recorded subdivision plat, or an approved subdivision plan or unless a waiver has been obtained from the Director.

2. Such street has been improved to an extent which, under the circumstances of the particular situation is adequate to serve the needs of such dwelling and to protect the public under the provisions of this Article; provided that, if so authorized by subdivision regulations adopted under the provisions of this Article, a building permit may be issued for construction of a building concurrently with the installation of required street improvements, but no such permit shall express or imply any right of occupancy and use of such building. No such building shall be occupied or used until the installation of such street improvements has been completed to the satisfaction of the County Engineer.

(j) Fire Suppression Water Supply

As needed for structural fire suppression rural water supplies shall be provided in all subdivisions that are not served by central water. These onsite water supply facilities shall be readily accessible by fire fighting apparatus and meet the
applicable standards for location, construction, installation, access, and fire department connections contained in NFPA 1, *Uniform Fire Code*, NFPA 1142, *Standard for Water Supplies for Suburban and Rural Fire Fighting*, and NFPA 22, *Standard for Water Tanks for Private Fire Protection*. Onsite water supplies shall be maintained by a responsible entity such as a home owners association or the development project owner/developer consistent with the requirements of NFPA 25, *Standards for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems*. Should the onsite water supply become unsuitable as to water quality or quantity as determined by Alachua County Fire Rescue or otherwise unserviceable for any reason the responsible entity shall repair or replace the onsite water supply in a timely manner.

**407.74 Subdivision Design Process and Development Plan Requirements**

(a) The submittal requirements and review procedure for all subdivision development plans shall be in accordance with Chapter 402. In addition to these requirements, all Rural/Agriculture Clustered Subdivisions shall meet the requirements in §407.77.

(b) The design process for all subdivisions should occur in the following sequence: identify open space, identify permitted uses and developable area, locate streets and locate individual lots and improvements. It is recognized that the subdivision design process is dependent upon the interplay of such factors as open spaces to be preserved, areas that can be developed for residential purposes, roads to serve the residences and a careful location of lot lines to preserve natural features and resources.

**407.75 Family Homestead Subdivisions**

The Development Review Committee may approve a subdivision of up to six lots including the residual in the Rural/Agriculture area, as defined by the Future Land Use Element of the Comprehensive Plan, for lots created for family members in accordance with Chapter 402 Article 23 or for lots being created for family members in which the density provisions of the land use designation are being met. For lots where the density provisions are being met, the standards of Article 23, §402.142 (a) and (b) and §402.143 shall apply. Such subdivisions may be located on an unpaved road in the Rural/Agriculture area upon the following conditions:

(a) Such subdivision shall not require platting, but shall be documented by the recording in the public record of a registered survey with the following information:

1. Legal description of each lot with the name and relationship of each family member for whom the FHE certificate was issued or each family member that will be living on each lot.

2. A declaration that the roadway is a private road which is neither dedicated to nor accepted by Alachua County and that the maintenance of the road is not the responsibility of the County, regardless of use by public service vehicles, and that the applicant shall maintain the road in a manner to make it accessible for service delivery as determined by the Fire Rescue and Public Works Departments.

3. Location of any natural or historic resources present on the site.

4. A notation in the title block that the subdivision is a Family Homestead Subdivision.
5. A notation that the family homestead lots shall not be further split or subdivided.

6. A notation that each family homestead exception lot is not transferable for a period of five years from the date a certificate of occupancy is issued for the residence, except to another individual meeting the definition of an immediate family member as provided in §402.142(b)3 of Chapter 402 of this ULDC.

(b) No further division of the lots shall be allowed under the provisions of this Section. Any further division would require full compliance with the provisions of this Article and all other provisions of this ULDC.

(c) A private easement road internal to the subdivision may be utilized where such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards and:

1. Those lots fronting on an existing public road shall be restricted to access to the internal road.

2. The internal subdivision roads must meet the following standards for minimum width, stabilization requirements, and maintenance:
   a. Sufficient stability of road surface for service delivery as determined by the Public Works Department.
   b. Minimum 18 foot horizontal and 14 foot vertical clearance.

(d) A private easement road internal to the subdivision may connect to an unpaved, public road. The applicant for a Family Homestead Subdivision may be required to dedicate an amount of right-of-way that is roughly proportional to the impact of the development along the frontage of the property.

(e) Family Homestead Subdivisions shall not be subject to the requirements of Article 4, Landscaping, of Chapter 407.

(f) Family Homestead Subdivisions shall be exempted from the requirements for stormwater management systems in Article 9, Stormwater Management, of Chapter 407, in accordance with §407.89(b), where clearing and drainage does not adversely impact adjacent properties by diverting runoff.

(g) The registered survey shall be recorded within one year of the Development Review Committee approval of the subdivision. The Family Homestead Subdivision shall expire without further action by the Development Review Committee if the survey is not recorded within this timeframe.

407.76 Subdivisions with Unpaved Roads in the Rural Agricultural Area
The Development Review Committee may approve a development plan for a subdivision with the construction of a private, unpaved road in the Rural/Agricultural area as defined by the Future Land Use Element of the Comprehensive Plan upon the following conditions:

(a) Such subdivisions shall be platted and approved by the Alachua County Board of County Commissioners

(b) Only one such subdivision shall be allowed per parent parcel.

(c) A parent parcel, existing as of October 2, 1991, shall not be divided into more than six lots, including the residual, without having paved roads throughout the subdivision.
(d) Unpaved roads created prior to May 2, 2005 shall not be required to be paved with the development of the remainder of the parent parcel unless that road is used for access to the newly created lots.

(e) A private easement road internal to the subdivision may be utilized where such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards and:

1. Those lots fronting on an existing public road shall be restricted to access to the internal road.
2. The internal subdivision roads must meet county standards for minimum width, stabilization requirements, and maintenance.

(f) A private easement road internal to the subdivision may connect to an unpaved, public road provided said roads have adequate deeded right-of-way to a paved public road.

(g) The applicant shall provide and have recorded in the public records of Alachua County a document, in such form as the Board may require, setting forth deed restrictions for the entire property for which the subdivision is approved. Such document shall include, at a minimum, the following:

1. No further subdivision of any lot shall be permitted without full compliance with all county regulations.
2. A roadway easement is set aside for common ownership and maintenance.
3. The maintenance and financial responsibility for the easement shall be borne by the lot owners using the roadway.
4. The easement shall be a minimum of 40 feet in width. The easement shall be cleared to a minimum required for emergency vehicle access and provision for utilities.
5. The roadway shall be constructed in accordance with the criteria outlined in (h) below, and maintained and made passable at all times.
6. The roadway shall be accessible to and subject to all emergency, public service, utility and refuse vehicles and all other similar vehicles deemed necessary to pass and repass over such roadway and use the same to protect the safety and welfare of all residents served by the roadway and such right to use the roadway shall not be subject to revocation.
7. A declaration that the roadway is a private road which is neither dedicated to nor accepted by Alachua County and that the maintenance of the road is not the responsibility of the county, regardless of use by public service vehicles.
8. A declaration that the deed restrictions shall be binding on all parties, their heirs, personal representatives, successors, grantees and assigns and shall run with the land.

(h) A development plan, including plan and profile and cross-sections of the roadway, prepared by a professional engineer, registered in the State of Florida, for the roadway and drainage improvements shall be submitted to the county engineer’s office. The minimum design criteria are as follows:

1. A centerline survey of the road with curve data.
2. A typical section with a minimum width of 20 feet limerock stabilized surface with an Limerock Bearing Ratio (LBR) 35, with minimum shoulders of two-
foot width and swales sufficient to accommodate the drainage. The depth of the stabilized surface shall be six inches.

3. A stormwater management plan with accompanying calculations and supporting soils and topographical data.

4. The entrance culvert, where appropriate, shall be reinforced concrete pipe with mitered ends.

5. The turnout shall have a minimum radius of 30 feet and be paved within the public right-of-way, if the public roadway is paved.

407.77 Rural/Agriculture Clustered Subdivision

Clustering of rural residential development is encouraged in order to protect natural and historical resources, retain viable agriculture, minimize land use conflicts, provide for recreational and habitat corridors through linked open space networks and achieve flexibility, efficiency and cost reduction in the provision of services and infrastructure.

(a) Establishment

All Rural/Agriculture Clustered Subdivisions shall comply with the requirements of this Section. The submission requirements and review procedure for Rural/Agriculture Clustered Subdivision development plans shall be in accordance with Chapter 402, Chapter 406, and §407.74.

(b) Open Space Requirements

A minimum of 50% open space shall be provided in all Rural/Agriculture Clustered Subdivisions. Open space areas shall be established consistent with Chapter 400 Article 1, Open Space, of this Chapter.

1. Uses

a. Permitted uses in the open space area may include:

   i. natural resource conservation areas,

   ii. non-intensive agriculture, as defined in Chapter 410,

   iii. silviculture,

   iv. common open space,

   v. resource-based recreation uses which maintain the undeveloped area in a natural state,

   vi. up to ½ of the required open space area may include stormwater facilities that are designed consistent with Article 5, Open Space, of this Chapter,

   vii. common water supply systems and common septic system drainfields consistent with Article 11, Water and Wastewater Service, of this Chapter,

   viii. common renewable energy systems,

   ix. one residential unit used as a homestead immediately prior to the creation of the Rural/Agriculture Clustered Subdivision can continue to be used as a homestead within the open space area
and will not be counted toward the total number of units allowed in the rural clustered subdivision.

b. Prohibited uses in any Rural/Agriculture Clustered Subdivision include the more intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens.

2. **Permanent Protection of the Open Space Areas**

a. All open space shall be maintained and remain undeveloped in perpetuity using a legal instrument that runs with the land to set forth conditions and restrictions on use.

b. All open space area and lots shall be restricted from further subdivision through an instrument in a form acceptable to the county and duly recorded in the public record which assures the preservation and continued maintenance of the open space.

c. The boundaries of designated open space areas shall be clearly delineated on plans, including record plats, and marked in the field to distinguish these areas from developed areas.

3. **Ownership and Maintenance of the Open Space Areas**

Ownership and maintenance of open space shall be by one or a combination of the following:

a. Original landowner at the time of plat recording;

b. Homeowners association;

c. Established land trust;

d. Non-profit conservation organization;

e. Alachua County, with county approval;

f. Other public agency (e.g. Water Management District).

If the open space is not properly maintained, the County may assume responsibility of maintenance and charge the property owner or homeowners association a fee which covers maintenance and administrative costs.

4. **Management Plan**

A final development plan for a Rural/Agriculture Clustered Subdivision shall include an open space management plan. The management plan shall establish management objectives, outline procedures, and define the roles and responsibilities for managing the open space. Management shall include wildfire mitigation.

**407.78 Rural/Agriculture Clustered Subdivision Design Process**

In addition to the design process described in §407.74, the following steps shall be taken in the design of a Rural/Agriculture Clustered Subdivision.

(a) **Identify Developable Area and Locate Lots**

The following standards shall apply to all developable areas within clustered subdivisions.

1. The developable area shall be located outside the designated open space area.
2. Within the developable area, development of residences and infrastructure shall accommodate, to the extent possible, existing natural features, including site topography, water courses, wetland, sinkholes, tree and vegetation lines and similar natural resources.

3. Developable area and lot locations shall be identified in accordance with Table 407.78.1.

4. The developed area of any Rural/Agriculture Clustered Subdivision shall be designed to minimize the visibility of structures from public roadways located at the perimeter of the subdivision through the use of one or more of the following techniques:
   a. centralizing the developed area in the interior of the property, if consistent with the protection of open space;
   b. use of extensive setbacks from the perimeter of the subdivision to any developed area;
   c. use of roadway alignments that minimize visibility;
   d. use of buffering, including the planting of additional trees and vegetation;
   e. use of fences and walls constructed using materials, colors and styles consistent with the character and context of the area in which located; and
   f. retention of trees and understory on individual lots.

(b) Buffering of Conservation and Preservation Areas

When located adjacent to a conservation or preservation area, a Rural/Agriculture Clustered Subdivision shall provide a buffer as indicated in Chapter 406 of this ULDC.

(c) Location of Roads

Within a Rural/Agriculture Clustered Subdivision, the location and construction of roads shall be dependent upon the location of designated open space areas, the identification of most appropriate developed areas, and the anticipated location of individual lots based upon location criteria for such sites. Criteria applicable to the location of roads to serve a Rural/Agriculture Clustered Subdivision are listed below.

1. Construction Specifications

   The roads within a clustered subdivision shall be designed to meet the narrowest road profile contained in Table 407.141.1 that shall be adequate to carry projected traffic, considering required connections to roads serving other residential development, and connections to public roads located along the perimeter of the development.

2. Buffers and Setbacks

   Roads shall be installed to comply with the minimum buffer and setback requirements from surface waters and wetlands established in Chapter 406, Article 1.

3. Site Location

   All roads shall be located so as to minimize alteration of existing terrain, and shall comply with the criteria listed below.
a. **Use of Existing Topography**
   Roads shall be located to follow the natural topography and terrain, rather than to be located so as to require extensive alteration by cut and fill or other construction methods.

b. **Use of Existing Natural Features**
   In addition to following existing topography, roads shall be located adjacent to field edges or tree lines, to avoid excessive removal of natural trees and vegetation.

c. **Use of Existing Paths or Trails**
   The use of existing vehicular access roads, paths or trails is encouraged.

d. **Connectivity**
   Roads shall connect internally with adjacent residential development.

4. **Road Improvements**
   All internal, connecting and local roads shall comply with applicable County standards for width and paving, including paved access to public roads. In addition, all roads shall comply with the following criteria:
   
a. the roads shall be dedicated for maintenance purposes to an entity approved by the Development Review Committee, and may include the County, a homeowners’ association, other public agency or similar entity; and
   
b. the roads shall be designed to minimize the number of driveways or similar connections to rural collector and arterial streets.

5. **Emergency Access**
   When required, access for emergency service vehicles shall be designed consistent with the requirements of §407.140(a)6.

(d) **Protection of Agricultural Activities**

1. **Buffering Required**
   a. When located adjacent to agricultural activities that exist either on an adjacent property or within all or part of the open space area of the Rural/Agriculture Clustered Subdivision, buffering shall be provided. The width and type of buffer, is to be determined on an individual basis for each Rural/Agriculture Clustered Subdivision and in no case shall be less than forty feet in width. A minimum buffer width of two hundred feet shall be provided when the developed area is adjacent to intensive agricultural uses. Determination of the width and type of buffer shall be based on the following factors:
      
      i. the location, type and scale of agricultural activities;

      ii. the location of the developed area in relation to the agricultural activities.

      iii. the absence of trees and understory vegetation in the proposed buffer area to provide an opaque screen of agricultural activities on abutting properties;
iv. the absence of topographic features in the proposed buffer area to provide an opaque screen of agricultural activities on abutting properties; or

v. the presence of other significant structures used for large scale commercial or industrial activities permitted by the Comprehensive Plan or this ULDC.

b. Where a Rural/Agriculture Clustered Subdivision is adjacent to intensive agricultural uses and a determination has been made to grant approval of a buffer less than 200 feet in width, appropriate language shall be included in the homeowner’s association documents. Such language shall state that the subdivision abuts an intensive agriculture use and the owners do not have valid complaints regarding permitted and allowable activities associated with the agricultural use.

2. Fencing Permitted

Where useful or necessary for the protection of the agricultural activity, agricultural lands included in permitted open space in such a subdivision may be fenced. The fencing, if any, shall be in addition to the required buffers.

(e) Potable Water and Wastewater

A final development plan for a Rural/Agriculture Clustered Subdivision shall include an overall plan for furnishing water and wastewater services consistent with Article 11 of this Chapter and including the method for providing potable water and wastewater treatment to individual residences. Community wells and septic systems are encouraged within areas where centralized systems are not available.

(f) Stormwater Treatment Plan

A final development plan for a Rural/Agriculture Clustered Subdivision shall include a detailed engineering plan for stormwater management consistent with Article 9 of this Chapter. Stormwater management should be designed to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales. The use of plants and natural land forms shall be required to slow, hold, and treat runoff from development.

(g) Dimensional Standards for Rural/Agriculture Clustered Subdivisions

Dimensional standards for Rural/Agriculture Clustered Subdivisions are set forth in Table 407.78.1 below:
Table 407.78.1
Dimensional Standards for Rural/Agriculture Clustered Subdivisions

<table>
<thead>
<tr>
<th>Property Development Standard</th>
<th>Requirement</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area for clustered subdivision, min</td>
<td>20 acres</td>
<td>Property shall be located in areas designated as Rural/Agriculture.</td>
</tr>
<tr>
<td>Density, max (units/acre)</td>
<td>1 dwelling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>unit/5 acres</td>
<td></td>
</tr>
<tr>
<td>Open space, min</td>
<td>50%</td>
<td>Measured from gross site area</td>
</tr>
<tr>
<td>Lot Dimensions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area, min (standard lot)</td>
<td>1 acre</td>
<td>When dwelling served by individual well or septic tank</td>
</tr>
<tr>
<td>Area, min (small lot)</td>
<td>0.5 Acre</td>
<td>Applicant must demonstrate that smaller lot size will not cause groundwater quality</td>
</tr>
<tr>
<td></td>
<td></td>
<td>degradation at or above the standard of 1 acre lot with individual septic tank system</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and demonstrates compliance with all applicable Health Department and water resource</td>
</tr>
<tr>
<td></td>
<td></td>
<td>protection requirements</td>
</tr>
<tr>
<td>Width at front building line, min</td>
<td>75 ft</td>
<td>None</td>
</tr>
<tr>
<td>Lot depth, min</td>
<td>100 ft</td>
<td>None</td>
</tr>
<tr>
<td>Setback Dimensions, Principal and Accessory Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, min</td>
<td>Principal</td>
<td>25 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Same for Accessory Structures</td>
</tr>
<tr>
<td>Rear, min</td>
<td>Principal</td>
<td>30 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 ft for Accessory Structures</td>
</tr>
<tr>
<td>Interior side, min</td>
<td>Principal</td>
<td>12.5 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15 ft for Accessory Structures</td>
</tr>
<tr>
<td>Street side, min</td>
<td>Principal</td>
<td>40 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Same for Accessory Structures</td>
</tr>
<tr>
<td>Building Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height, max at eaves</td>
<td>35 ft</td>
<td>None</td>
</tr>
<tr>
<td>Building coverage, max</td>
<td>25%</td>
<td>• Includes all areas under a permanent roof, including garages, porches, patios, etc</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Does not include pools, pool decks, recreational facilities such as tennis or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>basketball courts</td>
</tr>
<tr>
<td>Impervious coverage, max</td>
<td>40%</td>
<td>• Includes all building coverage and recreational amenities including pools and courts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Includes all paved parking and driveway areas</td>
</tr>
</tbody>
</table>

1. **Reduction of Property Development Regulations**

   As part of a final development plan approval, the Development Review Committee may reduce the minimum property development standards in Table 407.78.1 above for front setback, rear setback, lot width and lot depth by no more than 25 percent, upon a determination that the reduction shall:

   a. allow preservation of heritage, champion or desirable mature trees;
   b. preserve or enhance existing natural drainage features;
   c. enhance one or more features associated with open space; or
   d. allow maximum use of and minimum alteration to topographical features;
   e. allow the use of topographic features in establishing the exact location of roads or individual lot lines.
2. **Variance to Property Development Regulations Prohibited**
   The Development Review Committee shall not grant a variance to reduce any property development regulation established by this Section.

(h) **Density Incentives for Rural/Agriculture Clustered Subdivisions**
   Maximum density as provided in Table 407.78.1 above may be increased in accordance with Table 407.78.2 for a parent tract established prior to October 2, 1991 and with the criteria in subsection (i) below.

<table>
<thead>
<tr>
<th>POTENTIAL ADDITIONAL UNITS ALLOWED</th>
<th>REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 units for each subdivision</td>
<td>Minimum of 50% permanent open space</td>
</tr>
<tr>
<td>1 additional unit</td>
<td>Per 10 acres of conservation area permanently protected as open space</td>
</tr>
<tr>
<td>1 additional unit</td>
<td>Per 20 acres of permanent non-conservation area permanently protected as open space</td>
</tr>
</tbody>
</table>

Note: Parcels that include or are adjacent to conservation or preservation areas shall not receive higher density or intensity consideration than the currently adopted designations unless adequate natural resources protection is ensured pursuant to Comprehensive Plan policies and requirements Chapter 406.

(i) **Residential Homestead Exception**
   In addition to the provisions for additional units established by this Section, a dwelling unit that was used as a homestead prior to the creation of the clustered subdivision:
   1. may continue to be used as a homestead;
   2. may be located in a designated open space area; and
   3. shall not be included within the calculation of maximum gross density for the subdivision.

407.79 **Traditional Neighborhood and Transit Oriented Development Standards**
Traditional Neighborhood and Transit Oriented Developments shall be developed in accordance with the street, open space and design standards contained in Article 7. Where the subdivision standards of this Article would result in a different standard of design, the standards in Article 7 shall prevail for TND or TOD development.

407.80 **RESERVED**
407.81 **RESERVED**

407.82 **Minimum Design and Construction Standards for Other Capital Improvements**
The purpose of this Section is to identify design and construction standards for capital improvements other than streets and pedestrian networks.

(a) **Street Trees, Landscaping and Irrigation and Subdivision Entry Signs**
All subdivision entry signs, landscaping and irrigation that are proposed within county right-of-way shall require a Right-of-Way Use Permit from the Alachua County Public Works Department. Specifications are available from the County
Engineer. Where required by the County, street trees must be installed within the public right-of-way in accordance with Article 4, Landscaping, of this Chapter.

(b) Signs
1. Street name and regulatory signs shall be furnished and installed, at the applicant's expense, by the County for all streets to be maintained by the County. For private streets, the regulatory signs shall be purchased from the County; however, the applicant shall be responsible for the installation. All street name and regulatory signs shall comply with the Manual of Uniform Traffic Control Devices.

2. All signs shall be installed prior to final acceptance or release of the streets.

(c) Fire Suppression/Protection
All subdivisions in the urban service area designated on the Future Land Use Map 2030, shall provide a water supply served by hydrants and the fire/suppression protection service level shall be at the ISO (Insurance Service Office) class protection of 4 or better and shall be at 6 or better for subdivisions in the Urban Cluster.

(d) Water Supply and Sanitary Sewer Systems
Provision of potable water supply and sewer services shall comply with Article 11 of this Chapter. All mains and laterals constructed beneath pavement shall be constructed prior to the pavement installation. Fire hydrants shall be installed in all subdivisions where a public water supply is available.

(e) Easement Requirements
Easements are required along or across lots or where necessary for proper drainage of street rights-of-way and utility construction. For right-of-way widths less than 60 feet, a utility easement five feet in width shall be required on each side of the right-of-way.

(f) Erosion Control Measures
1. All erosion control measures identified on the development plans and water management permit shall be installed at the start of construction.

2. The applicant shall be responsible for ensuring that all erosion control measures are properly maintained until the completion and acceptance of the capital improvements.

3. The applicant shall be responsible for ensuring that erosion/siltation off-site, as a result of the construction, is immediately removed and measures taken to prevent further erosion/sedimentation.

407.83 Plat Document Requirements
(a) All plats submitted for recording shall comply with Chapter 177, Florida Statutes, and any other applicable statutes, regarding the platting of land.

(b) A letter of credit, cash escrow or surety agreement in the amount of 110 percent of the anticipated cost of construction must be provided by the applicant to secure its promises to complete the required public paving and drainage improvements associated with the subdivision within a specified time period following the final subdivision plat recording. Appropriate documentation in the form of a signed and
sealed engineering certification and a copy of an executed contract must be provided with the surety.

(c) All plats shall include the following:

1. **Sheet Layout**
   a. The plat shall be an original drawing made with black permanent ink on a 24”x36” sheet of bonded paper.
   b. The scale used to draw the plat cannot be smaller than 1” = 100’. A scale of 1” = 80’ or 1” = 90’ is not permitted. The scale shall be stated and graphically shown on each sheet.
   c. The first sheet of the plat shall contain a vicinity map showing the location of the subdivision relative to major roadways and adjoining properties.
   d. If more than one sheet is required for the map, the plat shall contain an index map on sheet one showing the entire subdivision and indexing the area shown on each succeeding sheet. Each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than one sheet must be used to accurately portray the lands subdivided, each sheet shall show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines between map segments.
   e. All required and provided notes shall be shown on sheet one.
   f. The plat shall have a name acceptable to the County. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision.
   g. When the plat is an addition to a recorded subdivision, it shall carry the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable.
   h. Title name, Section, Township, Range or land grant in title, along with city, county and state, under the subdivision name.

2. **Plat Description and Plat Notes**
   a. The boundary dimensions, bearings and legal calls contained in the negal description shall be labeled along the exterior plat boundary line.
   b. The legal description shall include the total acreage on the platted land.
   c. The plat description shall match, exactly, the legal description contained in the title opinion.
   d. The following statement shall be placed on the plat in a prominent place: “NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County.”
   e. A note shall be added to the plat, pursuant to F.S. 177.091(28), stating: “All platted utility easements shall provide that such easements shall also be easements for construction, installation, maintenance, and operation of cable television services; provided however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or
other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.”

f. Plats that contain private roadways shall have the following note: “PRIVATE ROADWAYS: All roads designated hereon as private roads are hereby specifically set aside for use of abutting property owners only, and in no way constitute a dedication to the General Public or the County of Alachua, it being specifically understood that no obligation is imposed upon the County, nor shall any request be ever entertained by the County to maintain or improve said private streets or roads.”

g. Plats that contain private rights of way, private stormwater tracts and private drainage easements shall have the following note: “An ingress and egress easement is hereby dedicated to Alachua County over all private drainage easements, private stormwater tracts, and private roadways for emergency access and emergency maintenance. This easement in no way obligates Alachua County to take any action and any action voluntarily taken by Alachua County does not create a permanent or continuing obligation to maintain an easement.”

3. Adjoining Property
   a. Platted adjoining properties shall be identified by subdivision name, plat book and page, together with a graphic depiction and labeling of lots, tracts, easements and rights of way adjoining the plat boundary.
   b. If the adjoining land is unplatted, the plat shall so state and provide the parcel number and instrument record number (deed book or official record book and page numbers).
   c. Gaps/Hiatus, deed/plat gaps occurring along the perimeter of the plat shall be resolved prior to the final plat submittal. If this cannot be achieved due to circumstances beyond the control of the owner, then the gap/hiatus shall be graphically shown and labeled.
   d. Boundary overlaps are not acceptable and shall be resolved prior to submittal of the plat for review.
   e. Encroachments of permanent improvements are not acceptable and shall be resolved prior to submittal of the plat for review.

4. The boundary lines of the area being subdivided with distance and bearings along with the land description of the property.
5. The right-of-way lines of all streets with their widths and assigned numbers and names.
6. The outline of any portions of the property intended to be dedicated for public use, such as for schools, parks, etc.
7. The location of natural open space and conservation management areas and conservation easements.
8. The right-of-way lines of adjoining streets with their widths and names.
9. All lot lines, together with the identification system for all lots and blocks, and the square-foot area of each lot equal to or less than one acre and the acreage value of each lot greater than one acre.

10. The location of all easements provided for public use, service, public and private drainage utilities, should be shown graphically. When easements cannot be shown graphically due to space requirements they may be established by a general note.

11. For any lots located within the conservation management areas, the building area as required by §406.03(b)3.

12. All dimensions, both linear and angular, for locating the boundaries of the Subdivision lots, streets, easements and any other area for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot. Boundaries of subdivisions shall close within 1:10,000, and such notation shall be shown on the plat.

13. Curvilinear lots and streets and rounded lot corners shall show the radii, arc distance, central angle, chord and chord bearing. Radial lines shall be so designated.

14. The location and identity of all survey monuments, either found or placed.

15. The certificate of the surveyor as to the correct representation of the plat in accordance with Chapter 177 F.S. and this ULDC.

16. **Dedications and Acceptance**
   
a. **Dedication of Public Improvements**
   All public improvements or property designated for public purpose on any approved final plat, including, but not limited to, all streets, alleys, easements, rights of way, and public areas, shall be expressly dedicated on the face of the final plat by the owner as indicated on the certificate of ownership. In addition, such final plat shall contain a statement of dedication to the County, other appropriate government units or public utilities for all water lines, gravity sewer lines, pressure lines, cable television, pumping stations and appurtenances located within the tract as provided.

b. **Dedication of Private Improvements**
   All private improvements or property designated for public purpose on any approved final plat, including, but not limited to, all streets, alleys, easements, rights of way and private areas, shall be expressly dedicated on the face of the final plat by the owner as indicated on the certificate of ownership. In addition, such final plat shall contain a statement of dedication to the County, other appropriate government units or public utilities for all water lines, gravity sewer lines, pressure lines, cable television, pumping stations and appurtenances located within the tract as provided.

c. **Acceptance of Public Improvements**
   Approval of such final plat shall be deemed accepted by the County upon dedication of the public improvements, water lines, gravity sewer lines, pressure lines, pumping stations, appurtenances, streets, alleys, easements, rights of way, recreational areas, ponding areas, water recharge areas, canals, drainage facilities and other public areas dedicated to the County. The Board’s
acceptance of dedications for public purposes shall be affixed to the face of the plat.

d. Acceptance of Private Improvements

Approval of such final plat shall be deemed accepted by the County upon dedication of the private improvements, water lines, gravity sewer lines, pressure lines, pumping stations, appurtenances, streets, alleys, easements, rights of way, recreational areas, ponding areas, water recharge areas, canals, drainage facilities and other private areas dedicated to the County. The Board’s acceptance of dedications for public and private purposes shall be affixed to the face of the plat.

17. Certifications and signatures of County representatives shall be included on the plat in a form acceptable to the County Surveyor.

407.84 Vacating Plats

Plats shall be vacated in accordance with Article 12, Platting, of Chapter 402.

407.85 Monuments

Any subdivision boundary that is within a 0.5-mile radius of any horizontal geodetic control monument established by the Alachua County Control Densification Survey, National Geodetic Survey Horizontal or Vertical Control Network bearing confirmed coordinate values related to the 1983 and the 1990 North American Datum Adjustment, shall conform to the following requirements:

(a) Final plats shall identify all Horizontal and Vertical Geodetic Control monuments, meeting the above requirements within 500 feet of the plat boundary.

(b) All plats shall have a minimum of three permanent reference monuments per 40 acres of platted subdivision which shall have state plane coordinates established from the 1983 North American Datum Adjustment delineated on the plat and shall be within or upon the plat boundaries.

(c) All plats shall have a minimum of two benchmarks located and described within or upon the plat boundary and which shall be projected from North American Vertical Datum of 1988 or National Geodetic Vertical Datum of 1929 with a conversion note to North American Vertical Datum of 1988.

(d) The basis of bearings for all plats shall be grid north as established from the State Plane Coordinate System or National Geodetic Survey Horizontal Control Network.

(e) The method for establishing the State Plane Coordinates and bearing basis shall be by conducting a self-closing traverse(s) between two Horizontal Geodetic Control monuments as referred to above. The traverse shall be performed to third order class 1 standards of accuracy as described in the most updated version of the Standards and Specifications for Geodetic Control Network (SSGCN) as set forth by the Federal Geodetic Control Committee. On large developments with multiple units a major control traverse tied to 2 Horizontal Geodetic Control monuments may be submitted with the first phase, with subsequent units being tied to this control traverse.

(f) All Geodetic monuments, including traverse stations set for the Alachua County Control Densification Survey, that fall within the limits of a development shall be
shown on the development plan and construction plans. Any Geodetic monument that is in danger of being disturbed or destroyed shall be referenced by a Florida Registered Land Surveyor prior to the start of construction and reset by the surveyor after the construction is complete. If it is not practical to reset the Geodetic monument in its original position, an offset monument may, with the County Surveyor’s approval, be set. The referencing and resetting of any Geodetic monument shall be in accordance with the specifications as set forth in article 4.15d of the SSGCN; Traverse Stations shall require an accuracy of third order class I and primary stations and their Azimuth marks shall require second order class I accuracy standards. The surveyor who resets the Geodetic monument shall be responsible for the preparation and submittal of all documents necessary for the notification to the Florida Department of Environmental Protection, the County Surveyor, the Alachua County Property Appraiser's Office and any other appropriate governmental agency. This notification shall include, a signed and sealed affidavit with a complete description of the Geodetic monument with all its accessories, an accurate how to reach description, date of last station recovery, name of the person recovering monumentation and the address of the recovery party. This work shall all be performed prior to the final inspection and acceptance of the development.

(g) Should anyone disturb or destroy a Geodetic monument, the person(s) responsible shall be fully responsible for the expense of having the monument reset by a Florida Registered Land Surveyor. The County may, at the expense of the person responsible for disturbing the monument, have the County Surveyor reset the Geodetic monument in accordance with the specifications set forth in article 4.15d of the SSGCN.

407.86 Inspection and Acceptance of Required Improvements

(a) Inspection of Work

1. All construction shall be performed in accordance with the “Construction and Inspections Standards and Procedures of the Public Works Department.”

2. The County may have an inspector on the project when deemed necessary during the construction period and said inspector shall be authorized to enforce the construction of said work in accordance with the approved plans and specifications. If any changes are required in the approved plans or specifications during the period of construction, such changes shall be subject to approval by the County Engineer prior to construction of the change. The County Engineer shall have the authority to issue a “stop work” order for work not constructed in accordance with approved plans.

3. The applicant shall have available a registered Engineer or Professional Surveyor and Mapper for the purpose of setting all line and grade stakes when required by the County Engineer for purposes of verifying adequate horizontal and vertical control.

4. The applicant shall retain a commercial testing laboratory, which shall provide a certification by a professional engineer to the County Engineer that all materials and density requirements are in accordance with these regulations.
5. Asphalitic concrete plant mix shall meet Florida Department of Transportation (FDOT) specifications. Extraction, gradation or stability tests may be required if there is any doubt as to the quality of the mix.

6. Roadway embankment shall be tested for field density in accordance with “Construction and Inspection Standards of the Public Works Department”.

7. Driveway turnouts shall be made only after permitting by the County Engineer in accordance with Article 13, Access Management and Street Network Standards, of this Chapter.

8. All utility crossings shall be installed, subject to embankment and subgrade requirements, prior to placement of pavement.

(b) Irrevocable Letter of Credit

1. Before issuance of a certificate of completion, the applicant shall submit to the County Engineer an irrevocable letter of credit or other form of surety acceptable to the County Attorney as a maintenance bond. The financial institution shall be on the State of Florida approved "qualified public depositories" list for local governments, as identified in F.S. ch. 280. Should the financial institution be removed from the approved "qualified public depositories" list during the duration of the letter of credit, the county shall notify the applicant of such removal in writing by certified mail. The applicant shall, within ten business days of the mailing date by the county, replace the letter of credit with another from an approved depository meeting the criteria stated herein. In the event of non-replacement within the deadline as stated above, the county shall draw immediately upon the letter of credit. The letter of credit shall be payable to the Board of County Commissioners in the amount of ten percent of the estimated construction cost of all the required public improvements which are to be eventually owned and maintained by the county. The letter of credit shall have an expiration date of one year from the date of issuance of the certificate of completion. The financial institution shall be responsible for notifying the County Engineer in writing of the expiration date no less than 30 days before the expiration date. (The letter of credit shall be renewed for an additional 90 days upon the written request of the County Engineer.)

2. The purpose of the irrevocable letter of credit is to guarantee the materials, workmanship, structural integrity, functioning and maintenance of the required public improvements during the one-year period following issuance of the certificate of completion.

3. If the County Engineer determines after issuance of the certificate of completion that the materials, workmanship, structural integrity, functioning or maintenance of any of the required public improvements is unacceptable, he or she shall so notify the applicant by registered mail of the unacceptable condition, and, subject to subsection 4 below, he or she shall allow the applicant a reasonable period of time in which to correct the unacceptable condition. If the County Engineer thereafter determines that the unacceptable condition has not been corrected, the county may present to the local financial institution a sight draft demanding payment on the irrevocable letter of credit.
4. The reasonable period of time referenced in subsection 3 above may be shortened or waived at the discretion of the County Engineer if the irrevocable letter of credit will expire before the end of a reasonable period of time, unless the letter of credit is renewed for an additional 90 days before the expiration date, or if the unacceptable condition poses a risk or danger to the health, safety or welfare of the people of the county.

(c) Approval for Maintenance of Right of Way

1. The applicant shall be responsible for the maintenance and operation associated with the capital facilities until approval for maintenance is issued.

2. After successful completion of all improvements, and after receipt of the required documents, the county shall provide a certificate of completion verifying the satisfactory construction of all required project improvements. The required documents shall include the following:
   a. A signed and sealed engineer’s certification of completion of all infrastructure improvements in substantial compliance with approved design. A copy of the as-built certification to the appropriate water management district shall also be provided.
   b. An irrevocable letter of credit or acceptable surety per subsection (b) above.

3. After one year of maintenance by the applicant and verification by the county of satisfactory performance of all public improvements, the County Engineer shall issue a letter of acceptance for maintenance, thereby releasing the applicant from further responsibilities or liabilities, except that when a public improvement has a latent defect, the applicant’s responsibilities and liabilities shall not be released until one year from the date the defect was discovered, but in no event shall the applicant be responsible or liable more than five years after the county issues an approval for maintenance.

(d) Approval for Maintenance of Stormwater Management Facilities

1. After successful completion of improvements, and after receipt of the required documents, the County shall provide a certificate of completion verifying the satisfactory construction and function of all stormwater management facilities. The required documents shall include the following:
   a. A signed and sealed engineer’s certification of completion of stormwater management facilities in substantial compliance with the approved design. A copy of the as-built certification to the appropriate water management district shall also be provided.
   b. A signed and sealed by a Florida Professional Surveyor and Mapper topographic as-built survey of the stormwater management facilities including all basins, structures, and conveyances as part of the request for a certificate of completion.
   c. An irrevocable letter of credit or acceptable surety per subsection (b) of this section.

2. After one year of maintenance by the applicant subsequent to 95% build out and verification by the County of satisfactory performance of the stormwater management facilities, the County Engineer shall issue a letter of acceptance for maintenance, thereby releasing the applicant from further responsibilities
or liabilities, except that when a public improvement has a latent defect, the applicant’s responsibilities and liabilities shall not be released until one year from the date the defect was discovered, but in no event shall the applicant be responsible or liable more than five years after the County issues an approval for maintenance. Stormwater management facilities for private subdivisions cannot be accepted for maintenance by the County until one year after the issuance of the certificate of completion.

407.87 Flood Hazard Area Criteria

The following additional regulations shall apply to plats which include property within any flood hazard area in accordance with the requirements of Chapter 406, Article 7, Flood Hazard Areas:

(a) All building lots shall have buildable area above the base flood elevation and shall have appropriate building setback lines established at that elevation.

(b) Base flood elevation data shall be included with all new subdivision proposals greater than 50 lots or 5 acres, whichever is lesser.

(c) The plat shall contain a prominent notation that the lowest floor of any residential structure adjacent to an established flood hazard area or stormwater facility shall be elevated a minimum of one foot above the 100-year elevation.

(d) The plat shall reflect the appropriate Flood Zone designations as indicated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps and the effective date of said FIRM map. Where flood zone designations conflict with established base flood elevations, the applicant shall apply to FEMA for a Letter of Map Revisions. Any requests for map revisions needed as a result of the subdivision shall also be submitted to the County Engineer’s Office prior to recording the plat. A note indicating that such request has been made shall be included on the plat.

(e) The pavement of all roads shall be elevated to or above the ten-year Flood Plain elevation. Roads or driveways, which provide the only means of ingress/egress to a lot, shall be elevated to the base flood elevation.

(f) The subdivision shall be designed such that all public utilities and facilities are located and constructed to be protected from flood damage.
Chapter 407. General Development Standards

Article 9. Stormwater Management

407.88  Intent and Purpose
It is the intent and purpose of this Article to implement the goals, objectives, and policies of the Comprehensive Plan of Alachua County by providing standards for the design, construction, and operation of stormwater management systems in conformance with the best overall management practices for the control of runoff volume and treatment of stormwater runoff for the protection of surface water and groundwater quality, and for the control and prevention of erosion, sedimentation, and flooding. It is further the intent of this Article to provide flexibility in meeting the design standards in an effort to encourage the construction of stormwater management systems that are an amenity to the development.

407.89  Exemptions
The following activities shall be exempt from the requirements of this Article:

(a) The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture, provided no disruption of natural surface waters will result. Also exempt is the construction, maintenance, and operation of self-contained agricultural drainage systems, provided there is no off-site diversion of runoff. This exemption will not apply where clearing and drainage may directly or indirectly impact areas defined as Conservation Areas pursuant to the Alachua County Comprehensive Plan.

(b) The construction, alteration, or maintenance of a single-family residence and accessory structures or a group of such residences and accessory structures constructed as part of a Family Homestead Subdivision in accordance with the requirements of §407.75 where clearing and drainage does not adversely impact adjacent properties by diverting runoff.

(c) Development of roadway modifications within existing County road rights-of-way may request an exemption from stormwater requirements provided that the cross-sectional volume capacity of the existing roadside swale is not reduced and provided that there are no downstream impacts.

407.90  Waivers

(a) A waiver from particular requirements of this Article may be granted by the County Engineer where a proposed building addition will not result in significant detrimental impacts to stormwater quantity or quality, the environment, or public health, safety, or welfare or state other appropriate criteria. It is the property owners’ burden to demonstrate that a waiver is warranted.

(b) A waiver shall not be granted where the existing site is in violation of water quantity or quality standards. This waiver shall not relieve the property owner of the need to obtain any permits required by other agencies.

(c) If the alteration results in less than a one percent increase in the overall imperviousness of the site, a waiver may be granted. It is the property owner’s or his agent’s responsibility to show that a waiver is warranted. The appropriateness of a waiver will be determined by the county engineer. This waiver will not negate the need for obtaining permits required by other agencies. A waiver will not be granted in cases where it is determined that the existing site is violating current water quality or quantity criteria.
407.91 Standards

(a) Permit Required

No person shall initiate any construction activity, or construct a stormwater management system, without complying with the provisions of this Article. The following activities shall require a construction permit from the County Engineer prior to the initiation of any project:

1. Clearing and/or draining of land for development purposes.
2. Clearing and/or draining of nonagricultural land.
3. Converting agricultural lands to nonagricultural uses.
4. Subdivision of land where road improvements are required.
5. Alteration of land and/or the construction of a structure or other impervious surfaces or a change in the size of one or more structures.

(b) Supplemental Standards

All stormwater management systems must be designed and implemented to meet the performance criteria outlined in this Article. In addition, the following documents are incorporated herein as part of this Code by reference, for supplemental standards and methodologies for use in designing, implementing and maintaining stormwater management systems and erosion and sediment control systems to meet the intent of this Article:

2. Chapter 62-4, F.A.C., Department of Environmental Protection, Permits;
3. Chapter 62-25, F.A.C., Department of Environmental Protection, Regulations of Stormwater Discharge;
4. Chapter 62-302.700, F.A.C., Department of Environmental Protection, Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters;
5. Chapter 62-621, F.A.C., Department of Environmental Protection, Generic Permits;
6. Chapter 62-624, F.A.C., Department of Environmental Protection, Municipal Separate Storm Sewer Systems;
9. Chapter 406, Article 6, Surface Waters and Wetlands;
10. The Florida Stormwater, Erosion and Sedimentation Control Inspector’s Manual, State of Florida Department of Environmental Protection;

(c) Alternate Methods

Innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation, flooding, and water quality shall be mandatory. The county engineer has authority to approve alternate methods of meeting the objectives of these technical guidelines and regulations on a demonstration by the applicant that results equivalent to the following design standards can be achieved by the proposed alternate method. For sites containing or in close proximity to wetlands and creek systems, stormwater management facilities should be designed as closely as possible to mimic pre-development hydrologic conditions.

1. For projects that discharge to a stream or open lake basin, the stormwater management system must be designed such that the peak rate of discharge does not exceed the predevelopment peak rate of discharge for storm events up to and including the 100-year storm. For detention storage it shall be sufficient to control the 25-year critical duration storm event. If this criteria cannot be met and it can be shown that no downstream detrimental effects will take place, the county engineer may approve other measures.

2. For projects that discharge to a closed lake basin, the stormwater management system must be designed such that the increased volume of runoff for the 100-year critical duration storm event is retained and that only the predevelopment volume of runoff is discharged at rates not to exceed the predevelopment rates for storm events up to and including the 100-year storm.

3. For projects that have no positive outfall or serve a land use that manufactures, stores, or refines hazardous or toxic substances, the stormwater management system shall be designed to retain the total volume of stormwater runoff from the contributing watershed for the 100-year critical duration storm event.

4. All stormwater management systems located within karst areas should be designed to provide treatment of the stormwater runoff prior to discharging to the aquifer and to preclude the formation of solution pipe sinkholes in the system. In addition, the following minimum design features are required:
   a. A minimum of three feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom and sides of the basin;
   b. Stormwater basin depth should be as shallow as possible with a horizontal bottom;
   c. Maximum stormwater basin depth of ten feet; and
   d. Fully vegetated basin side slopes and bottoms.
   e. More stringent requirements may apply for some industrial and commercial sites. These can include, but are not limited to:
      i. More than three feet of soil material between limestone bedrock surface and the bottom and sides of the stormwater basin.
ii. Basin liners—clay or geotextile.
iii. Sediment sumps at stormwater inlets.
v. Paint/solvent and water separators.
vii. Trash traps.
f. Utility lines shall not be installed beneath stormwater basins in karst areas. Any line for temporary irrigation of vegetation in and around stormwater management systems shall be installed to minimize excavation in karst areas.

(d) Compliance with Article

All stormwater management systems in the unincorporated portions of Alachua County shall be designed and maintained in accordance with the provisions of this Article.

(e) General Engineering and Environmental Standards

1. No site alteration shall cause siltation and/or violate the Water Quality Code or state of downstream surface waters or reduce the natural retention or filtering capabilities of downstream surface waters.

2. No stormwater management system shall cause water to become a health hazard as determined by the County Engineer, the Environmental Protection Department and/or the Health Department.

3. All storage volumes in detention or retention systems shall be calculated above the seasonal high water table or normal pool elevations.

4. Documentation of unsaturated-vertical and saturated-horizontal soil permeability/hydraulic conductivity estimates/test results and other aquifer characteristics used in the design of a stormwater management system shall be submitted for review and consideration. Acceptable methods for estimating unsaturated-vertical and saturated-horizontal soil permeability/hydraulic conductivity and other aquifer characteristics are presented in the St. John’s River Water Management District (SJRWMD) Applicant’s Handbook: Regulation of Stormwater Management Systems Chapter 40C-42, F.A.C. The design engineer must take into account confining layers, soil profile, and apparent water table depths when choosing a design permeability rate. The maximum allowable rate in the perforated and confined zones shall be six feet per day. The maximum allowable rate in the unconfined zones shall be 20 feet per day. A safety factor of two shall be applied.

5. Following determination of vertical-conductivity and horizontal conductivity, post-development hydrologic conditions must be similar to pre-development hydrologic conditions in terms of flow and rate of surface and sub-surface flow at the project boundary. This can be accomplished by calibrating geotechnical data from onsite field/lab parameters within a stormwater model for pre-development and post-development. Design alterations and innovations to the system shall be incorporated to ensure location of and
discharge from stormwater management facilities will not adversely impact hydrology of onsite wetland and creek systems.

6. Retention basin recovery calculations shall include a mounding analysis if the seasonal high water table is within six feet of the pond bottom. Acceptable methodologies and design procedures for retention basin recovery are presented in the SJRWMD Applicant’s Handbook: Regulation of Stormwater Management Systems Chapter 40C-42, F.A.C., as amended from time to time.

7. Stormwater management systems shall not significantly alter contributing areas or watershed boundaries of any watershed or basin not wholly contained within the project area, except as approved by County Engineer.

8. Runoff from off-site areas which drain to or across a site proposed for development shall be accommodated.

9. Water quality treatment volumes for retention basins must be recovered within 72 hours following the end of the storm event, assuming average antecedent moisture conditions. For open lake and closed lake dry basins, total retention/detention volumes for storm events up to the 100-year, 24-hour storm event, must be recovered within 14 days, following the end of the storm event, assuming average antecedent moisture conditions. For dry basins with no outfall, the above criteria for recovery shall apply or sufficient retention volume shall be provided above the stage of recovery at the end of 14 days for a subsequent 100-year, 24-hour storm event.

10. All stormwater basins that are created by damming or berming must be designed with a minimum freeboard of six inches from the basin design high water elevation to the top of the basin. These basins must provide an emergency overflow. The design submittal should provide a structural integrity analysis of the dam or berm.

11. All structures adjacent to stormwater management facilities shall be designed with a minimum finished floor elevation of one foot above the design high water elevation of the basin and shown as such on all related development plans and plats.

12. Reasonable maintenance access to all stormwater management facilities must be provided. This accessway shall have a minimum width of 5 feet, except as provided for in §407.95 or in cases where the side slopes are no steeper than 8H:1V. A minimum of 25 feet shall be provided on all sides of all retention/detention basins as measured outward from the basin bottom. Within this area, a minimum landscaped area of no less than nine feet shall be provided.

13. Filtration systems are generally discouraged as a stormwater treatment technique. Where these types of systems are proposed, complete technical data regarding their specifications, operation and maintenance will be required and all criteria of this ULDC shall be met. Underground storage and recovery systems shall be inspected by the Public Works Department, prior to earthwork backfilling, for verification that proper volume capacities are accomplished. An engineer shall provide signed and sealed certification that the construction is in accordance with the approved plans prior to the final inspection of the Alachua County Public Works Department.
14. All storm sewers must be designed to convey a three-year/ten-minute storm event. Safe conveyance of all flow in excess of storm sewer capacity must also be included in the design.

15. In no case shall the discharge rates of a stormwater management system exceed the capacity of the outfall conveyance facility.

16. The reuse of stormwater runoff in irrigation systems is encouraged so long as no health or environmental threats are presented.

The only wetlands which may be considered for use to provide stormwater treatment are those which are isolated wetlands and those which would be isolated wetlands, but for a permitted hydrologic connection to other wetlands or surface waters via another watercourse that was excavated through uplands. Wetland systems shall be designed to provide for drawdown of half of the specified treatment volume between 60 and 72 hours following the storm event. If the wetland alone cannot provide the treatment volume, then other best management practices should be incorporated upstream and outside of the wetland to store the proper level of runoff. Utilization of other Best Management Practices must not adversely affect the ability of the wetlands stormwater management system to meet the requirements of §407.91.

17. Rainfall volumes shall be taken from the Florida Department of Transportation Drainage Manual.

18. Any excavation in the stormwater management facility that would allow exposure of Hawthorn Group sediments or other phosphorus rich materials such that phosphorus may be mobilized shall be avoided or mitigated to prevent phosphorous leaching into surface water or groundwater. Testing and submission of the resulting data may be required to substantiate the determination that the phosphorus is not leachable or the source of phosphorus has been mitigated.

19. The fill materials used in the construction of stormwater management facilities shall be free of leachable phosphorus. Testing and submission of the resulting data may be required to substantiate the determination.

20. All roadways proposed to be connected to a stormwater management basin must be designed so that the edge of pavement is at or above the basin’s design high water elevation from the 100-year critical storm event up to the 100 year 24 hour storm event.

(f) Stormwater Management within Existing County Road Rights-of-Ways

Stormwater management shall be provided for additional travel lanes, paved or unpaved shoulders, sidewalks or multi use paths to be constructed within existing County road rights-of-ways and shall comply with the requirements of 406.57, 407.91, 407.94 and 407.141 of this ULD C.

407.92 Relationship to Project Design

(a) General

Stormwater areas shall be designed in the context of the site design for the entire subdivision or other development. Careful consideration shall be given to the layout of basins and stormwater management areas to optimize treatment, aesthetics, and groupings of trees. Basins and stormwater management systems
shall be designed to blend into public open spaces and shall resemble natural areas to the greatest extent possible. The following design standards and principles shall apply to stormwater management areas:

1. All stormwater areas shall be designed in accordance with the standards and principles set forth in subsection (b) below;
2. Certain stormwater areas must be fenced; such stormwater areas shall not be credited toward required open space requirements and shall be designed in accordance with this Article;
3. Stormwater areas that are to be credited toward the required open space requirement for the subdivision or other development shall be designed in accordance with detailed standards for the design of such areas provided in Article 5, Open Space, of this Chapter.

(b) General Design Criteria

1. An area equivalent to at least 25% of the area of the entire basin, including the shoulders and maintenance area, shall be landscaped using native vegetation, excluding sod. In addition, a minimum of one shade tree shall be planted for every 35 linear feet, or part thereof, of basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Certified apparently weed free sod shall be used.
2. Retention/detention basins shall be of irregular shape and shall have no parallel sides, unless approved by the County Engineer, in which case additional landscaping and barriers may be required.
3. When possible, the inflow and outflow locations of basins must be located on opposite ends of the basin to provide for optimal treatment. Flow paths and mixing within basins shall be maximized. For wet-detention systems, the length to width ratio shall be 2:1, which may be accomplished through the use of a diversion structure.
4. Erosive velocities shall be reduced through the use of adequate controls.
5. For all other stormwater management areas that do not include basins, a vegetated buffer at least 25 feet wide shall be included in the design if the area is to be considered a common open space. Buffers shall include one shade tree for every 35 linear feet, or part thereof, of project perimeter or length. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Native vegetation shall be used.
6. Drainage easements provided for swales that convey stormwater runoff between two privately owned lots shall be designed and be of sufficient width to adequately convey runoff to the stormwater master basin. Stormwater conveyance swales must be located entirely within these easements.

(c) Fenced Basins

1. The following basin design conditions will require fencing:
   a. Basins with a depth greater than four feet, as measured from the basin bottom to the control elevation, with slopes steeper than 6H:1V.
   b. Basins without a controlled outfall, if the design high-water elevation for the design storm is greater than four feet and the side slopes are steeper.
than 6H:1V, except where the side slopes are shallower than 6H:1V to a
depth that is at least four-foot lower than the design high-water elevation.
c. Wet detention basins with a normal pool depth six feet or greater, except
where the side slopes are shallower than 6H:1V to a depth that is at least
four-foot lower than the permanent-pool elevation.
d. All fences must be a minimum height of four feet and have a 14-foot-
wide gate that allows easy access for maintenance equipment.

2. Basins that require a fence and are to be dedicated to the county for
maintenance will require a minimum 12-foot maintenance and vegetative
strip between the fence and the basin. The landscaped area should be no less
than 9 feet wide at its most narrow point. Maintenance strips shall have a
maximum slope of 8H:1V.

3. Fencing will be aesthetically pleasing and meet all safety requirements as put
forth by the Florida Department of Transportation’s Design Standards for
Design, Construction, Maintenance and Utility Operations on the State
Highway System. If chain-link fencing is used, an additional area 5 foot-wide
area outside the fence shall be landscaped with at least 3 shade trees, 2
understory trees, 8 large shrubs, and 13 small shrubs for every 100 feet or part
thereof of fencing. A minimum of 50 percent of the vegetation shall be native
and only certified apparently weed-free sod shall be used.

4. The following basin design conditions do not require fencing:
   a. Basins with a depth less than or equal to four feet, as measured from the
      basin bottom to the control elevation.
   b. Basins designed to be "dry" with side slopes no steeper than 6H:1V,
      regardless of basin depth.
   c. Wet detention basins with a maximum pool depth less than six feet and
      side slopes no steeper than 6H:1V to a depth of four feet below the
      control elevation. From this elevation to the basin bottom a maximum
      side slope of 2H:1V is permissible.

407.93 Alternatives to On-Site Control
A regional stormwater management facility may be provided, in lieu of on-site storage, particularly
in areas where individual properties cannot meet the established criteria on-site because of soil
limitations or other constraints that may exist. All flow that is routed to regional facilities must be
conveyed in a safe manner and in compliance with the provisions provided in this Article.

407.94 Water Quality Criteria
All stormwater management systems must be designed to meet the following applicable minimum
treatment criteria:

(a) Retention, Underdrain and/or Exfiltration
   1. Off-line Treatment
      0.5 inches of runoff or 1.25 inches times impervious area, whichever is
greater.
   2. On-line Treatment
      0.5 inch additional treatment volume over that required in off-line.
(b) **Wet Detention**

On-line treatment: 1.0 inch of runoff or 2.5 inches times impervious area, whichever is greater. Wet detention basins should also contain a permanent pool of water that is sized to provide an average residence time of 14 days during the wet season (June-October) with a littoral zone or an average residence time of 21 days with no littoral zone. The littoral zone shall also be designed and established per SJRWMD requirements.

(c) **Swale**

On-line treatment: 80 percent of the runoff from the three-year, one-hour storm.

(d) **Wetland Treatment**

1. On-line treatment: 1.0 inches of runoff or 2.5 inches times percent impervious area, whichever is greater.

2. All stormwater management systems with a discharge to an FDEP Class I, Class II, and Outstanding Florida Water (OFW) receiving waterbodies must be designed to meet the following minimum treatment criteria:

   a. **Detention with Underdrain and/or Exfiltration**

      i. Off-Line Treatment

      50 percent additional treatment volume over the FDEP Class III off-line treatment criteria.

      ii. On-line Treatment

      Runoff from the three-year, one-hour storm or 50 percent additional treatment volume over FDEP Class III on-line, whichever is greater.

   b. **Wet Detention**

      i. Off-line

      Pretreatment pursuant to FDEP Class III retention, exfiltration, or underdrain criteria in addition to Class III wet detention criteria.

      ii. On-line

      50 percent more treatment volume over FDEP Class III criteria.

   c. **Swale**

      On-line: Runoff from the three-year, one-hour storm.

   d. **Wetland Treatment**

      On-line: 50 percent additional volume over FDEP Class III treatment criteria.

(e) For any stormwater management system with a discharge to an active sinkhole or located in a high aquifer recharge area, the system must be designed to provide treatment for the first two inches of runoff from the design storm.

(f) All retention basins with overflow structures and detention basins shall include a baffle, skimmer, grease trap or other mechanism to ensure that discharges meet the applicable water quality standards; specific design is subject to approval by the County Engineer.
407.95 Erosion and Sedimentation Control

(a) The erosion and sedimentation control plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect, licensed landscape contractor, Resource Conservation District, or USDA Natural Resource Conservation Service Specialist and conform to the general standards of the Florida Department of Environmental Protection Erosion and Sedimentation Control Manual.

(b) The development and implementation of an erosion and sedimentation control system is essential to minimizing the adverse impacts of soil erosion and sediment transport. The system shall be designed according to the following principles:

1. The development plan must be compatible with the existing topography, soils, waterways, and natural vegetation of the site.

2. The smallest possible area shall be exposed for the shortest possible time during construction.

3. On-site control measures shall be applied to reduce erosion. Stockpiling and storage of materials shall not be located in a manner to impede flow or cause materials to be eroded by stormwater runoff.

4. The erosion and sedimentation control plan shall identify permanent stormwater conveyance structures, final stabilized conditions of the site, provisions for removing temporary control measures, stabilization of the site when temporary measures are removed, and maintenance requirements for any permanent measures. All sedimentation control structures to be used during construction shall be installed prior to any construction activity and shall be maintained in an effective condition until such time as the completion of the permanent system or other erosion control measures can assure adequate erosion and sediment control.

5. All stormwater management facilities shall be stabilized with either grass or sand-based sod. When used, sod shall be certified apparently weed-free sod. The following minimum requirements shall be met:

   a. All dry basin bottoms must be seeded. The seeding mix must provide both long-term vegetation and rapid growth seasonal vegetation. A topsoil mixture may be required in excessively drained sandy soils. Side slopes steeper than 3H:1V must have the sod stapled or pegged. Basin side slopes flatter than 3H:1V may be seeded and mulched or sodded.

   b. Erosion protection at the outlet of all drainage structures shall be provided. For outlet velocities less than three feet per second, pegged or stapled sod must be provided. For velocities in excess of three feet per second, an energy dissipation device shall be installed, such as riprap, baffles, or stilling basins.

   c. Sod shall be placed around the full perimeter of all head walls, end walls, and mitered end installations in accordance with the Florida Department of Transportation’s Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System.

   d. During construction, provisions shall be made to minimize disturbance to and compaction of soils in the basin bottom.
6. Dewatering and pumping activities shall be permitted for construction purposes provided the dewatering activities shall not cause flooding or adverse impacts to downstream conditions. Permission from adjacent property owners must be obtained for discharge to privately owned properties. A permit must be obtained from the Alachua County Public Works Department for any off-site discharge to the County right-of-way.

407.96 Special Criteria for Systems within Residential Subdivisions

(a) A homeowners’ association must be established to provide routine maintenance and associated landscape management responsibilities for the stormwater management system within the residential subdivision. However, the developer or the homeowners’ association may opt to have the county implement a stormwater management benefit assessment in accordance with the provisions of F.S. §403.0893. When the streets within the subdivision are to be dedicated to the county, Alachua County will be responsible for maintaining the structures associated with the system.

(b) Retention/detention basins shall not be located within platted building lots, unless the lot is one acre or greater in size, the soils are well drained and have no confining layers (for retention basins only), and the basin is designed with slopes 4H:1V or flatter.

(c) Reasonable maintenance access to all stormwater management facilities must be provided. This accessway must also be outside the limits of platted building lots and have a minimum width of 12 feet, except in cases where the side slopes are no steeper than 8H:1V. A minimum of 25 feet shall be provided on all sides of all retention/detention basins as measured outward from the basin bottom. Within this area, a minimum landscaped area of no less than nine feet shall be provided.

407.97 Plan Review

The following information, plans and supporting data must be included with the applicant’s final development plan:

(a) An aerial photograph delineating the project area and the watershed boundaries in which the project is located.

(b) A map of the project that shows the following information:
   1. Project boundary;
   2. A topographic survey of the area subject to development impact certified to the appropriate entity that meets the technical standards of Florida Administrative Code 5J-17.052 and is signed and sealed by a Florida Professional Surveyor Mapper (PSM). The survey shall depict existing topography of the project at one-foot contour intervals and existing spot elevations with the existing drainage patterns clearly established;
   3. Additional off-site topographical information may be needed to adequately identify drainage patterns;
   4. The drainage boundary of the area of any lands outside the project limits contributing runoff to the project for both pre-development and post-development;
   5. Existing and proposed (or post development) 100-year floodplains and/or floodways;
6. A plan of the proposed land use and land cover, including acreage and percentage of impervious surfaces;

7. Description of vegetative cover, locations of any wetlands, surface waters or other known conservation areas;

8. Proposed construction phases;

9. Rights-of-way, common areas, and/or easement locations;

10. Location of existing and proposed stormwater retention and/or detention facilities, including size, design capacity, 100-year flood elevation, side slopes, depth of pond, retained and/or detained runoff volumes, and treatment volumes;

11. Detailed grading plan with sufficient spot elevations to determine the direction of flow;

12. Certified erosion and sedimentation control plan. See §407.95 for requirements; and

13. Stormwater Pollution Prevention Plan (SWPPP). A SWPPP should be submitted for all projects. This plan shall be included in the erosion and sedimentation control plan.

(c) Certified hydrologic and hydraulic calculations that must include:

1. A complete description of the stormwater management plan, including, but not limited to, information for all affected drainage areas, drainage divides, existing, proposed, previously permitted and future impervious areas, water quality treatment criteria, proposed conveyance and treatment plan, stormwater-related electronic CAD files when utilized, structural analysis for dams and berms and supporting electronic stormwater modeling files;

2. Hydrologic and hydraulic model input and output for pre-development and post-development conditions;

3. Pipe-sizing calculations;

4. Calculations used to size all treatment facilities;

5. Identification of the classification of the receiving watershed and/or municipal separate storm sewer system (MS4); and

6. The name of any water body or stream to which the project discharges.

(d) Soils report that includes borings, water table encountered, estimation of seasonal high water table, and estimated soil permeability/hydraulic conductivity. Soil borings must be performed to a depth of at least ten feet below the proposed basin bottom and at a frequency of two borings per one-quarter of an acre of basin area as calculated by an average of the basin top and bottom area at the toe of the basin slope. For systems that contain multiple basins, there shall be at least one boring per basin.

(e) A statement designating the entity that will be responsible for the operation and maintenance of the stormwater management system. A copy of the restrictive covenants for the establishment of a homeowners’ association must be submitted, if applicable. The restrictive covenants shall contain a statement indicating that, upon the homeowners’ association’s written request, Alachua County will inspect the stormwater management system prior to the developer transferring responsibility for the maintenance of the system to the association.
(f) A statement, certified by the engineer responsible for the design, that will read as follows:

*I hereby certify that the design of the stormwater management system for the project known as ________________ meets all of the requirements and has been designed substantially in accordance with the Alachua County Stormwater Management Ordinance.*

(g) A proposed maintenance plan for the stormwater management system. This plan, along with the estimated annual maintenance costs, shall be incorporated into the restrictive covenants required by this Chapter.

(h) Off-site easements for stormwater management facilities will be required when either of the following conditions exist:

1. The discharge is into any man-made facility for which Alachua County does not have either drainage easements or rights-of-way.
2. The discharge is into a natural system such that the rate or character (i.e., sheet flow versus concentrated flow) of the flow at the property line has been changed. The easement will be required to a point at which natural conditions are duplicated.
3. Prior to the issuance of a construction permit, a copy of all other applicable state, water management district, or city permits must be submitted.

407.98 Inspections
The Public Works Department will provide inspection services during the construction activities of all approved stormwater management systems. Any duly authorized representative of the County at any reasonable time may enter and inspect property on which a stormwater management system is located, in order to determine compliance of proposed or constructed stormwater management systems with this Chapter or any applicable county ordinances, or consistency with any development application or development approval. The duly authorized representative of the County may collect water quality samples and obtain other information necessary to determine compliance of the stormwater management system. No person shall refuse reasonable entry or access to any authorized representative of the County who requests entry for purposes of inspection and who presents appropriate credentials.

407.99 Maintenance
All stormwater management systems require periodic maintenance. The entity designated in the application will be responsible for implementing the maintenance plan. If a system is not functioning as designed, the owner or permittee will be responsible for taking corrective measures to ensure the applicable criteria of this Chapter are met.

407.100 Enforcement
This Chapter shall be enforced in accordance with procedures outlined in Chapter 409, Violations, Penalties, and Enforcement.

407.101 Article to be Liberally Construed
This Article 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 Alachua County, Florida.
Chapter 407. General Development Standards

Article 10. Building Design

407.102 Purpose
This Article is intended to promote the implementation of appropriate, context-sensitive design strategies, as determined by the design professional, which create architectural character, generate aesthetic appeal of individual buildings. Example strategies include the use of geometry, proportion and scale of building elements that relate to human-scale and perception, incorporating pedestrian-oriented architectural elements at ground level, and specifying building materials and colors that are commensurate with the existing context.

407.103 Applicability
Development within a TND or TOD is subject to the building design standards in Article 7 and therefore exempt from the requirements of this Article. The building design standards here are applicable to the following development projects:

(a) New nonresidential and mixed use developments; and
(b) New multiple-family residential developments.

407.104 General Provisions
(a) Similar architectural composition, materials, and treatment must be provided on each building façade that is accessed by the public, or that faces a public street or a residential zoning district.

(b) Buildings constructed on out parcels, accessory buildings, and parking structures within a development must be constructed of compatible materials, colors and character as the principal building.

407.105 Required Design Elements
All non-residential, mixed use, and multi-family buildings that are part of a new development plan, not located within a TND or TOD, shall meet the standards outlined in this Section. Building elevations, prepared by a Florida registered architect, must be submitted during the development review process in order to demonstrate that these standards are met.

(a) Building Façades
All building façades that are accessed by the public, or that face public streets or residential zoning districts shall incorporate the following design elements.

1. Articulation
Façades shall be articulated to reduce the scale and expanses of blank walls. Façades shall incorporate architectural details such as entryways, windows, awnings, covered arcades, columns, pilasters, quoins, reveals, cornices, arches, or changes of material no less than every 30 feet of the length of the façade.

2. Glazing
Non-residential buildings with exterior public access shall incorporate glazing for no less than 25 percent of the horizontal length of the building. Windows shall be designed with visually prominent sills, shutters, window boxes, relief trims, lintels, or other forms of framing.
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3. **Exterior Treatment**
   a. The exterior façade treatment shall consist of a minimum of two different building materials, textures, or finishes.
   b. The predominant building material along a primary façade shall not consist of smooth-faced concrete block or stucco.
   c. The use of high-intensity colors, metallic, black or neon colors are prohibited. Neon tubing shall be used only as a trim element or to accentuate architectural features.

(b) **Roof Lines**
All roof-mounted mechanical equipment such as HVAC units must be enclosed within the building or screened from pedestrian view at street level. Roofs should incorporate any of the following design features:

   1. A pitched roof.
   2. Two or more plane breaks or slopes per façade elevation.
   3. Decorative roof elements such as dormers, cupolas, rafter tails, balconies, decorative towers, spires, belfries, exposed beams, or architectural features at entryways.

(c) **Entryways**
All entryways shall be easily identifiable and integrated into the building architecture. Each freestanding principal building must have at least one clearly defined public entrance. Each public entrance shall incorporate at least one of the following design elements:

   1. Canopy or portico
   2. Wall recess or projection
   3. Raised corniced parapet over the door
   4. Arch
   5. Patio, porch, or entry deck

407.106 **Alternative Compliance**
(a) The provisions of this Article shall be liberally construed to effectively carry out the purpose and the intent of the Alachua County Comprehensive Plan and of this Article in the interest of the health, safety and welfare of the residents of the County.

(b) An applicant may submit a development plan which varies from the strict application of the requirements of this Article in order to accommodate unique site features or characteristics or to utilize innovative design.

(c) Such a development plan may be approved only upon a finding that it fulfills the purpose and intent of the Alachua County Comprehensive Plan and of this Article as well as or more effectively than would adherence to the strict requirements.
**Article 11 Potable Water, Wastewater and Reclaimed Water Service**

**407.107 Purpose**

This Article is intended to:

(a) protect and conserve the quality and quantity of groundwater resources;
(b) reduce the use of well water and potable water for irrigation and other non-potable uses by providing reclaimed water to properties where it is feasible and in a manner that is responsible and does not cause surfacw water degradation from elevated levels of nutrients;
(c) provide an adequate, safe, efficient, economical, reliable and environmentally sound system of potable water supply and sanitary sewer collection consistent with the Alachua County Comprehensive Plan;
(d) maximize the use of existing facilities in order to discourage urban sprawl and provide an adequate, safe, and environmentally sound system of potable water supply and sanitary sewer collection, treatment, and disposal; and
(e) establish requirements for connection to potable water, sanitary sewer and reclaimed water facilities, including standards and criteria for determining exceptions to these requirements.

**407.108 Centralized Potable Water and Sanitary Sewer System Requirements**

Connection to a centralized potable water and sanitary sewer system is required for all new development or redevelopment within the Urban Cluster. Development shall be timed to occur when both centralized potable water and sanitary sewer systems are available for connection. The following types of development within the Urban Cluster are required to connect to centralized potable water and sanitary sewer system:

(a) New subdivisions,
(b) Expansion of an existing subdivision,
(c) Multi-family development,
(d) New non-residential or mixed-use development,
(e) Expansion of any non-residential or mixed-use development.

**407.109 Exception from Connection to Centralized Potable Water and Sanitary Sewer System Requirement**

The Development Review Committee may provide an exception from the requirement to connect to a centralized potable water or sanitary sewer system for certain non-residential uses, and for new residential development in areas designated as Estate Residential on the Future Land Use Map, for which connection is infeasible because of engineering factors that would prevent operation and maintenance of the system connection.

(a) Request for Exception

A request for such an exception shall be submitted to the County with the application for the associated Development Plan.

(b) Documentation

The request shall include letters from the utility provider and the Alachua County Health Department that address the infeasibility of the potable water and/or sanitary sewer system and the appropriateness of the use of on-site systems. The application
shall document all of the factors supporting a determination that a connection is infeasible due to engineering. These supporting factors may include:

1. The minimum flow necessary for adequate pipe velocity as determined by the following factors;
   a. The maximum distance between the proposed development or connection point and the centralized system; and
   b. The relationship between flow and distance; or
2. The inability to secure connection without adverse environmental effects; or
3. The inability to obtain rights through adjacent properties necessary for connection.

(c) Analysis
An applicant for such an exception shall also provide detailed analysis of the potential to overcome engineering impediments to connection through coordination with adjacent property owners and the utility provider.

(d) Granting of Exception
The DRC may grant the request for an exception and approve the preliminary development plan only if it is determined that there is no current opportunity for connection. Conditions to such an approval shall include:

1. a conceptual plan for providing connection once it becomes feasible;
2. assurance of future connection to a centralized system where feasible through the recording of a deed restriction within 30 days of final development plan approval, and the abandonment of any on-site private wells and septic systems in accordance with Florida Statutes and Administrative Codes;
3. the development shall utilize low-flow or ultra low-flow plumbing fixtures; and
4. the development shall use the St. Johns River Water Management District’s Water Star™ standards as the minimum standard for water use.

407.110 Residential Lot Requirements for Private Well and Septic Systems
Private well and septic systems are permitted on residential lots according to the lot size requirements in Table 407.110.1 below, provided that installation meets state standards and receives approval from the local health department.
Chapter 407. General Development Standards

Article 11. Potable Water, Wastewater and Reclaimed Water Service

### Table 407.110.1

<table>
<thead>
<tr>
<th>Existing Lots of Record</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established prior to 1991</td>
<td>Individual lots or part of previously approved subdivisions</td>
</tr>
<tr>
<td></td>
<td>Individual lot</td>
</tr>
<tr>
<td>Established after 1991</td>
<td>Part of a previously approved subdivision</td>
</tr>
<tr>
<td></td>
<td>In a Rural Cluster, an individual lot or part of a previously approved subdivision</td>
</tr>
<tr>
<td>New Development and New Lot Splits</td>
<td>Minimum Lot Size</td>
</tr>
<tr>
<td>Within Idylwild/Serenola Special Area Study</td>
<td>3 acres</td>
</tr>
<tr>
<td>Outside Idylwild/Serenola Special Area Study</td>
<td>1 acre²,³,⁴</td>
</tr>
</tbody>
</table>

¹Where it is demonstrated that a lot cannot be combined with adjacent lots, private well and septic may be allowed on existing lots of record, established prior to 1972, which are smaller than ½ acre, subject to approval by the Alachua County Health Department.

²In Rural Clustered Subdivisions where there is a demonstration that the associated sanitary systems will cause no degradation of surface water or groundwater quality, as determined by the Alachua County Health Department, private septic may be allowed on lots as small as ½ acre.

³In Rural Clusters, lots as small as ½ acre may be permitted if served by a central water system.

⁴New development inside the Urban Cluster may only be permitted to use well and septic if an exception is granted in accordance with §407.109.

### 407.111 Replacement of Individual Wells or Septic Systems

Replacing existing individual wells or septic systems by connection to existing municipal systems shall be required within municipal service areas where there has been evidence of septic system failure or well water contamination, provided no alternative technological remedy will be undertaken that provides for correction of the problem. Registration requirements and construction standards for wells and septic tanks are located in Chapter 406, Article 11, Wells and Septic Tanks.

### 407.112 New Water Supply Systems

New public water systems (community or non-community) may be approved by the DRC in order to provide potable water to residential uses only in those areas designated on the Future Land Use Map 2030 as Rural Cluster or Rural Employment Centers. In instances where it is shown that the public health is at risk, a new community water system may be approved outside of these areas. All providers of potable water shall meet or exceed applicable federal, state, regional, water management districts, and local water quality standards.

### 407.113 Existing Water Supply Systems

Existing water supply systems located within areas designated on the Future Land Use Map as Rural/Agriculture, Rural Cluster or Rural Employment Center may continue to operate provided the requirements of Chapter 406 are being adhered to. The County shall have the authority to require correction, where possible, or remove from service and properly close existing public water supply systems in Alachua County where there is a failure to consistently meet minimum primary and secondary drinking water standards or to properly maintain and operate the system. The County shall address issues such as:

(a) Availability of a centralized system and connection requirements;
(b) Funding mechanisms may include, but are not limited to, grants from water management districts, special funds from centralized service providers, economic development funds, and establishment of a special taxing district over the affected customer base; and

(c) Intergovernmental coordination with centralized system providers to support their connection programs where consistent with the County’s objectives.

407.114 New Package Wastewater Treatment Plants

New package treatment plants shall require a special use permit, according to the process outlined in Chapter 402, Article 18. Approval shall be granted only for package treatment plants that meet the following requirements.

(a) Location

1. Outside Urban Cluster

   New package wastewater treatment plants may be considered outside the Urban Cluster for the following areas:
   
   a. Within a rural employment center;
   
   b. Where specialized uses (institutional, tourist/entertainment, material-oriented industrial, resource-based recreational uses) are appropriate; or
   
   c. For residential uses, but only as a last resort to remedy a public health or environmental problem associated with septic tanks.

2. Within Urban Cluster

   New package wastewater treatment plants may be considered within the Urban Cluster, new package wastewater treatment plants may be considered only as a last resort to remedy an existing public health problem or remove a risk to the public health or surface water or groundwater quality from failed septic systems.

(b) Demonstration of Need

All new package treatment plants shall demonstrate that other systems for wastewater disposal are not feasible.

(c) Maintenance, Monitoring, and Corrective Actions

Any application for a special use permit for a new package treatment plant shall outline plans for:

1. Long term operation and maintenance, including groundwater monitoring, by an entity that demonstrates financial and organizational capacity.

2. Monitoring and inspection by the applicable federal, state, regional, water management districts, and local agencies to be assured that the plant is in compliance with provisions of the permit.

3. Corrective actions to be taken by the owner or operator in the event of failure including, but not limited to; changes in plant operation and maintenance, system repair or replacement, suspension or termination of a package treatment plant operation.

(d) Provisions for Connection

Provisions for connection to a larger centralized wastewater service within one year from the date the service becomes available.
(e) **Ground and Surface Waters**
All new package treatment plants shall demonstrate that there shall be no adverse impacts to groundwater or surface water quality resulting from the installation and operation of the plant.

(f) **High Aquifer Recharge Areas**
Within high aquifer recharge areas (Chapter 406, Article 8) or in the highly vulnerable or vulnerable portions of Alachua County, advanced treatment including nutrient removal prior to discharge shall be required.

(g) **Construction**
Construction shall occur at a scale that is compatible with the natural hydroperiod and the assimilative and hydraulic loading capacities of receiving surface waters, groundwater and associated wetlands in accordance with applicable state and federal requirements.

(h) **Bond or Surety Requirements**
As a condition of special use permit approval, the Board of County Commissioners shall require posting of a bond or similar financial guarantee to ensure payment for corrective actions. The bond shall be maintained in perpetuity or until the package treatment plant is properly closed.

407.115 **Existing Package Wastewater Treatment Plants**
Existing wastewater treatment plants located within areas designated on the Future Land Use Map as Rural/Agriculture, Rural Cluster or Rural Employment Center may continue to operate provided the applicable requirements of this ULDC are adhered to. Existing wastewater treatment plants located in high aquifer recharge areas shall be encouraged to upgrade to provide for advanced treatment. The County shall have the authority to require improvement of existing package wastewater treatment plants, or where possible, the removal from service and proper closure of such facilities. The County shall address issues such as:

(a) Availability of a centralized system and connection requirements;

(b) Funding mechanisms that may include, but are not limited to, grants from water management districts, special funds from centralized service providers, economic development funds, and establishment of a special taxing district over the affected customer base; and

(c) Intergovernmental coordination with centralized system providers to support their connection programs where consistent with the County’s objectives.

407.116 **Extensions of Potable Water and Sanitary Sewer**
(a) **Inside the Urban Cluster Boundary**
Proposed extensions of potable water or sanitary sewer lines within areas designated on the Future Land Use Map as the urban cluster boundary may be approved by the DRC with an associated development plan provided there are no adverse impacts on environmentally-sensitive lands.

(b) **Outside of the Urban Cluster Boundary**
Proposed extensions of potable water and sanitary sewer lines outside of the urban cluster boundary designated on the Future Land Use Map shall be subject to approval by the Board of County Commissioners in accordance with Article 21 of Chapter 402.
407.116.5 Reclaimed Water Systems  
(a) Reclaimed Water System Requirements  
1. Within the GRU Reclaimed Water Service Area  
   All new developments within the GRU reclaimed water service area (RCWSA)  
   shall provide reclaimed water distribution systems to serve areas that will be  
   irrigated, including service to individual lots and common areas.  
2. Outside the GRU Reclaimed Water Service Area  
   Developments not located within the GRU RCWSA shall also be required to  
   include reclaimed water distribution systems as described above if deemed  
   feasible by the utility provider providing water and/or wastewater service to  
   the development.  
3. Connection of Distribution System  
   a. Any installed reclaimed water distribution system must be connected to  
      the utility provider’s reclaimed water system if there is an existing  
      reclaimed water main that is deemed suitable for connection by the  
      utility provider and is located within ¼ mile of the development at the  
      time of construction.  
   b. If there is not a suitable existing reclaimed water main located within ¼  
      mile of the development at the time of construction, the reclaimed water  
      system or other water supply (subject to the policies of the utility  
      provider). The development will be required to connect once reclaimed  
      water is available at the connection point to the reclaimed water  
      distribution system.  
4. Design Requirements  
   All reclaimed water users shall be required to install and maintain backflow  
   prevention on the potable water service, and meet all requirements, standards  
   and ordinances applicable to the utility service provider and the Florida  
   Department of Environmental Protection (FDEP).  

(b) Exception from Reclaimed Water System Requirements  
The Development Review Committee may approve an exception from the  
reclaimed water system requirements for certain cases where connection is  
infeasible due to engineering factors or where the development will not include  
outdoor irrigation.  
1. Request for Exception  
   A request for such an exception shall be submitted to the County with the  
   application for the associated Preliminary Development Plan.  
2. Documentation  
   The request shall include a letter from the utility provider addressing the  
   availability of reclaimed water. The application shall document all of the  
   factors supporting a determination that reclaimed water system installation is  
infeasible. The supporting factors may include:  
   a. The development will have minimal or no outdoor irrigation. Deed  
      restrictions and homeowner’s covenants (where applicable) banning the
installation of in-ground irrigation systems will be required in this instance.

b. Installation of lines is infeasible due to engineering factors including: inability to secure connection without adverse environmental impacts; inability to obtain necessary land rights.

c. A determination by the utility provider that there is not adequate capacity or that there is no intention to make reclaimed water available to the development at the present or in the foreseeable future.

(c) Irrigation Wells

1. In the portions of Alachua County regulated by the St. Johns River Water Management District, where a reclaimed water system is available it must be used in place of higher quality water sources as provided in Rules 40C-2.042(2) and (8) and 40C-2.301(4), F.A.C. A reclaimed water system is deemed available when reclaimed water is provided by a utility through a point of connection to the lot.

2. Although irrigation with reclaimed water is allowed by water management district rules anytime, Alachua County encourages the efficient use of reclaimed water to promote water conservation.
Article 12  Concurrency Management

407.117  Purpose
The purposes of this Article are to implement the Alachua County Comprehensive Plan’s adopted level of service standards for roads, potable water, sanitary sewer, parks, solid waste, stormwater management, public school facilities, mass transit and bicycle and pedestrian facilities.

407.118  Requirements for Concurrency
No final development order shall be approved, except for development that is defined as exempt or vested pursuant to this Chapter unless it is determined that adequate capacity to meet the level of service standards adopted in the Alachua County Comprehensive Plan for each public facility will be available concurrent with the impacts of the proposed development. The burden of meeting this concurrency requirement will be on the applicant requesting a final development order. The following criteria will be used to determine whether adequate capacity in the public facilities affected by the development will be available:

(a) For potable water, sanitary sewer, solid waste, and stormwater management facilities:
   1. The necessary facilities and services are in place at the time a development permit is issued; or
   2. A development permit is issued subject to the condition that the necessary facilities will be in place when the impacts of development occur; or
   3. The necessary facilities are under construction at the time a development permit is issued and will be in place when the impacts of development occur; or
   4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions in §407.118(a)1, 2 or 3 above. An enforceable development agreement may include, but is not limited to: (1) development agreements pursuant to F.S. § 163.3220, or (2) an agreement or development order issued pursuant to F.S. Chapter 380. Any such agreement must guarantee that the necessary facilities and services will be in place when the impacts of development occur.

(b) For parks and recreational facilities, in addition to meeting one of the criteria defined under subsection §407.118(a), above, the requirement for concurrency may be met if:
   1. At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
   2. The necessary facilities and services are guaranteed in an enforceable development agreement which requires commencement of construction of the facilities within one year of the issuance of the applicable development permit. Such enforceable development agreements may include, but are not limited to, development agreements pursuant to F.S. §163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.
(c) **For Motor Vehicle, Transit, Pedestrian & Bicycle**

1. The requirement of concurrency, for development in the Urban Cluster without a valid final Certificate of Level of Service Compliance (CLSC), as of the adoption of the Multi-Modal Transportation Mitigation Program, that are below the Development of Regional Impact threshold or exempt from the Development of Regional Impact process, shall be satisfied through the payment of the Multi-Modal Transportation Mitigation as long as the approved development order remains valid. Developments within the Urban Service Area that are greater than 1,000 dwelling units or 350,000 square feet of non-residential square feet shall also be required to mitigate its impact consistent with Transportation Mobility Element Policy 1.1.10.3 of the Comprehensive Plan. Projects outside of the Urban Service Area that exceed the Development of Regional Impact threshold shall meet concurrency through the proportionate share process per F.S. §163.3180(12) and F.S. §380.06.

2. For development projects with a valid final Certificate of Level of Service Compliance (CLSC) as of the adoption of the Multi-Modal Transportation Mitigation Program, or are exempt per 407.124 shall continue satisfying transportation concurrency through payment of a transportation impact fee. Upon expiration of the CLSC, the development shall mitigate its impact through payment of the Multi-Modal Transportation Mitigation. No further extensions of a valid CLSC for transportation concurrency shall be granted upon adoption of the Multi-Modal Transportation Mitigation program, except as provided for in 407.118(c)3.

3. Developments with a valid CLSC shall have the option to extend the transportation concurrency provision of the CLSC for two years from the current expiration date. In addition, development shall be permitted to extend all phasing dates by two years from the current expiration date. Complete and accurate applications must be September 30th, 2011. No additional traffic analysis shall be required. The date for any required transportation mitigation shall also be extended for two years.

4. Developments that have currently constructed 25% or more of the roadway lane miles for the entire development based on the approved preliminary or final development plans or that have constructed a collector or arterial roadway shown on the future highway functional classification map may apply for a transportation concurrency vesting letter and may request and be granted vesting to the transportation impact fee schedule in effect at the time of application. The transportation impact fee schedule would be used to determine the impact fee rate for the remaining un-built portions of the development. Complete and accurate applications must be submitted by September 30th, 2011. The application must include documentation, signed and sealed by a licensed professional engineer, that demonstrates the 25% threshold has been achieved or that a collector or arterial roadway consistent with the future highway functional classification map has been constructed.

5. Developments that have constructed 50% or more of the roadway lane miles for the entire development based on approved preliminary or final development plans prior to expiration of a valid transportation CLSC may
apply for a concurrency vesting letter and may request and be granted vesting
to pay the transportation impact fee in effect at the time of building permit for
the remainder of the development. Complete and accurate applications must
be submitted prior to the expiration of a valid transportation CLSC. The
application must include documentation, signed and sealed by a professional
engineer, that demonstrates the 50% threshold has been achieved.

6. The vesting provisions in 407.118(c)4 and 5 above shall not preclude a
Developers right to demonstrate that they are vested for transportation
concurrency and vested to pay the transportation impact fee. However,
request for vesting that does not meet the criteria established above shall be
evaluated on a case-by-case basis.

7. Development projects with a valid CLSC shall have the option to pay either
the Multi-Modal Transportation Mitigation or the transportation impact fee,
should the Multi-Modal Transportation Mitigation be less than the
transportation impact fee due to the addition of revenue sources and/or the
modification of the list of projects in the Capital Improvements Element.

8. The requirement of concurrency for development projects outside the Urban
Cluster may be met if transportation facilities needed to serve new
development shall be in place or under actual construction within three years
issuance of the final development order for a development that will result in
additional traffic generation, or may be met through the proportionate fair-
share process under §407.125.1.

(d) For public school facilities, the requirement for concurrency, in accordance with
Section 163.3180(6)(h)2,F.S., shall be met if:

1. Adequate school capacity in the affected School Concurrency Service Area
(SCSA) is available or will be in place or under construction within three
years, as provided in the School Board of Alachua County 5-Year District
Facilities Work Program, after the issuance of the final development order for
residential development; or,

2. Adequate school capacity in an adjacent SCSA is available, and when
adequate capacity at the adopted LOS Standards will be in place or under
construction in the adjacent SCSA within three years, as provided in the
School Board of Alachua County 5-Year District Facilities Work Program, after
the issuance of the final development order; or,

3. The developer executes a legally binding commitment to provide mitigation
proportionate to the demand for public school facilities to be created by
development of the property subject to the final development order, as
described in §407.125.2; or,

4. The requirements listed in §407.118(d)1-3 shall not apply to the following
types of residential development, which are exempt from concurrency
requirements for public school facilities:

a. Single family lots of record that received final subdivision or plat
approval prior to October 3, 2008, or single family subdivisions or plats
actively being reviewed on or before June 28, 2008 that received
preliminary development plan approvals and the development approval
has not expired.
b. Multi-family residential development that received final site plan approval prior to October 3, 2008, or multi-family site plans that were actively being reviewed on or before June 28, 2008, that received preliminary development plan approvals and the development approval has not expired.

c. Amendments to subdivisions or plat and site plan for residential development that were approved prior to October 3, 2008, and which do not increase the number of students generated by the development.

d. Age restricted developments that prohibit permanent occupancy by persons of school age. Such restrictions must be recorded, irrevocable for a period of at least thirty (30) years and lawful under applicable state and federal housing statutes. The applicant must demonstrate that these conditions are satisfied.

e. Group quarters that do not generate students in public school facilities, including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and non-youth facilities.

407.119 Information and Methodology

(a) The information and methodology to be used by the county as the basis for concurrency determinations are as follows:

1. The maximum service volume of each public facility affected by the proposed development based on the adopted level of service standards.

2. The existing demand on each public facility affected by the proposed development.

3. Any reservation of capacity on each affected public facility for approved development.

4. Proposed development impacts (the projected or estimated portion of the capacity of the affected public facility to be used by the proposed development).

(b) The necessary public facilities will be deemed available concurrent with the impacts of the proposed development if the sum of proposed development impacts when added to the existing demand and the capacity reservation is less than the maximum service volume on the affected facilities.

(c) For the purposes of transportation planning within the Urban Cluster and for making transportation concurrency determinations for development outside the Urban Cluster, affected roadway facilities shall be determined as follows:

1. For proposed developments generating less than or equal to 1000 external average daily trips, (ADT) affected roadway segments are all those wholly or partially located within 1/2 mile of the project’s entrances/exits, or to the nearest intersecting major street, whichever is greater.

2. For proposed developments generating greater than 1,000 external ADT, affected roadway segments are those on which the project’s impacts are five percent or greater of the maximum service volume of the roadway per the Alachua County LOS Report. The study area for proposed developments...
generating greater than 1000 external ADT must, at a minimum, include all roadway segments located partially or wholly within 1/2 mile of the projects entrances/exits, or to the nearest major intersection, whichever is greater.

(d) Public school concurrency review and determination shall be in accordance with the provisions of the Interlocal Agreement for Public School Facility Planning (ILA) including the maps of the School Concurrency Service Areas (SCSAs). Public school concurrency determinations shall be conducted for all development plan applications subject to school concurrency by one of the following methods:

1. The determination of adequate public school capacity shall be based on findings and recommendations of the School Board of Alachua County staff; or,

2. For developments that do not exceed the threshold established by the School Board of Alachua County in accordance with the Interlocal Agreement, County staff may determine that there is adequate public school capacity.

407.120 Preliminary Certificate of Level of Service Compliance
An applicant must apply for a preliminary Certificate of Level of Service Compliance (CLSC) no later than the time of application for preliminary development plan approval. Except for projects associated with an approved Planned Development, the preliminary CLSC application shall be submitted with an application for preliminary development plan approval, consistent with the requirements of Article 3, Chapter 402 of the Unified Land Development Code. If the application is determined to be complete, an assessment of whether the concurrency requirements are met for each public facility affected by the proposed development will be provided by the Development Review Committee with its review of the preliminary development plan.

(a) Transportation

1. The applicant shall submit, with the preliminary application:
   a. Documentation supporting any assertion of de minimis impact. The documentation shall also include an analysis to show that the impacted roadways do not operate above 110% of the maximum service volume or is a designated evacuation route. De minimis impacts shall only pertain to developments outside of a Transportation Mobility District.
   b. If the applicant is not asserting de minimis impacts, the appropriate traffic documentation including impacts to affected roadway facilities as defined in §407.119(c) shall be included in the application.

2. The county will review the application and supporting traffic documentation for completeness and correctness within the timeframes of the applicable DRC cycle in order to ensure that the information submitted is sufficient to accept the application and continue its review. If the application is determined to be incomplete or incorrect, the applicant will be notified within the applicable DRC review period and advised of the deficiencies required to be addressed in a new or revised application.

(b) Public Schools

1. Development applications must include the number and type of units, and projection of students by type of school based on the student generation rates established by the School Board.
2. If the development application requires review by the School Board, the School Board staff will review the projected student generation associated with the development application and report its findings and recommendations in writing to County staff as to whether adequate school capacity exists for each school type to accommodate the proposed residential development in all applicable School Concurrency Service Areas adopted as part of the Interlocal Agreement, and based on the LOS standards adopted in the Public School Facilities Element.

3. If the development does not exceed the threshold for determination by the County as provided in §407.119(d)2, separate review and written recommendation by the School Board staff is not required.

4. In the event that the findings and recommendations from the School Board staff state that there is not sufficient school capacity to meet the adopted LOS standards in the affected School Concurrency Service Area or an adjacent School Concurrency Service Area to address the impacts of a proposed development, the following standards shall apply. Either (1) the final development plan must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation in accordance with Public School Facilities Element Objective 2.5 and §407.125.2; or (2) the final development plan may not be approved until sufficient capacity enhancement to meet the level of service can be assured.

(c) Based on review and approval by the Development Review Committee, the Concurrency Management Official (CMO) will issue a preliminary CLSC determination within five working days of DRC action on the preliminary development plan. The preliminary CLSC determination will indicate if the proposed developments’ impacts are considered de minimis impacts or if the requirements for concurrency will be met, subject to any limitations indicated by the public facility provider, based on the preliminary development plan. The CLSC will also indicate any additional information or items that are required to be submitted with final plan application. Projects determined to have de minimis impacts shall not be required to meet roadway concurrency requirements, or if the requirements will not be met based on the preliminary development plan, the preliminary CLSC will indicate what deficiencies will have to be addressed in the final development plan in order for a final CLSC to be issued. A preliminary CLSC is valid for one year from the date of assessment by the DRC. If there are changes to a proposed development’s timing, the proposed density or intensity increases, or if the preliminary CLSC expires, then an amended CLSC must be obtained through the appropriate DRC process. An amended preliminary CLSC is valid for one year from the date of reassessment by the DRC.

407.121 Concurrency Reservations for Projects with Phasing Schedules

(a) Planned Developments

For projects associated with a phased planned development (PD), the preliminary CLSC may be issued for time periods established by the phasing schedule of the PD provided that the applicant demonstrates that LOS standards can be met for the time frames established with the PD phasing plan. Any preliminary or final CLSC and associated reservation of public school capacity for such a planned development must be in accordance with an agreement as provided in the ILA between the
County and the School Board as detailed in Section 407.125.2(f) below. A CLSC for a phased PD shall not exceed a 10-year time frame, except a longer period may be considered in conjunction with an agreement involving the reservation of public school capacity consistent with the ILA between the County and the School Board as detailed in Section 407.125.2(f) below.

(b) Affordable Housing Developments

For affordable housing developments, as defined in Chapter 409 of this ULDC, the preliminary CLSC may be issued for time periods established by the phasing schedule associated with an approved preliminary development plan. The applicant shall demonstrate that LOS standards can be met for each of the time frames established with the approved preliminary development plan. Any preliminary or final CLSC and associated reservation of public school capacity for such an affordable housing development must be in accordance with a development agreement as provided in the ILA between the County and the School Board as detailed in Section 407.125.2(f) below. A CLSC for a phased PD shall not exceed a five year time frame, except a longer period may be considered in conjunction with a development agreement involving the reservation of public school capacity consistent with the ILA between the County and the School Board as detailed in Section 407.125.2 below.

(c) Traditional Neighborhood and Transit Oriented Developments

For Traditional Neighborhood Developments (TND) and Transit Oriented Developments (TOD) (Chapter 407, Article 7) the preliminary CLSC may be issued for time periods established by the phasing schedule associated with an approved preliminary development plan. The phasing schedule shall specify, as a percentage, that portion of the project that will be completed at the end of each calendar year. The applicant shall demonstrate that LOS standards can be met for each of the time frames established with the approved preliminary development plan. Any preliminary or final CLSC and associated reservation of public school capacity for such a TND or TOD must be in accordance with a development agreement as provided in the ILA between the County and the School Board as detailed in Section 407.125.2(f) below. A CLSC for a TND or TOD shall not exceed a ten year time frame, except a longer period may be considered in conjunction with a development agreement involving the reservation of public school capacity consistent with the ILA between the County and the School Board as detailed in Section 407.125.2 below.

407.122 Final Certificate of Level of Service Compliance

(a) The preliminary CLSC determination issued by the CMO may be submitted with an application for final development order or plat approval as the basis for a final CLSC which shall be issued by the CMO provided all of the following conditions are met:

1. The final development order is submitted and determined to be complete by the DRC prior to the expiration date of a valid preliminary CLSC.

2. Any conditions identified in the preliminary CLSC are adequately addressed and are contained in the final development order application.

3. The intensities and densities requested for the final development order approval do not exceed those approved for the preliminary development
plan, unless the applicant has applied for and been issued an amended preliminary CLSC addressing the impacts of the increased densities or intensities requested and finding that adequate capacity will be available for each affected public facility. In order to obtain an amended preliminary CLSC, the applicant must submit the proposed increases in densities or intensities and relevant information to the DRC for an amended preliminary CLSC to be issued. The amended preliminary CLSC approval must be obtained by the applicant prior to application for final development plan approval by the DRC. If the DRC determines that revised preliminary review is not required, an amended preliminary CLSC is not required for final development order approval.

(b) The final CLSC shall be valid for a period of one year from date of issuance by the DRC, unless otherwise specified for a phased PD, affordable housing project or TND with a village center, after which it shall be void unless construction has commenced prior to expiration of the one year period, or other period specified for a phased PD, affordable housing project or TND with a village center, or an extension of no more than one (1) year has been granted by the CMO for good cause (defined in Chapter 409) shown by the applicant. Any such extension will be issued only if no imminent or existing public facility deficiencies exist at the time of the application for extension. Denial of an extension by the CMO may be appealed in accordance with this ULDC. Provided that construction has commenced within the allowable period, the project shall have reserved capacity for a period of no more than two years from commencement of construction. After that two-year period, or any period otherwise specified in the final CLSC, the public facility capacity required to accommodate the impacts of the unconstructed portions of the development may be made available to other proposed developments applying for CLSCs. Once the County approves a final CLSC reserving the required public school capacity in accordance with the Interlocal Agreement and the final development order, the capacity necessary to serve the development shall be reserved by the School Board for a period not to exceed three (3) years or until completion of construction of development infrastructure, whichever occurs first.

(c) The County shall notify the School Board within fifteen (15) working days of the approval or expiration of a concurrency reservation for a residential development.

(d) Notwithstanding the regulations in Section 407.122(b), a development for which a Preliminary or Final CLSC was issued between January 1, 2007 and December 31, 2008 will be granted a CLSC extension to December 31, 2009 provided they apply to the CMO for such extension by December 1, 2009. A Planned Development, Traditional Neighborhood Development or Affordable Housing Development with an approved CLSC, for which a phase expired between January 1, 2007 and December 31, 2008 will be granted a CLSC extension for that phase until December 31, 2009 provided they apply to the CMO for such extension by December 1, 2009. Such projects will not be required to re-evaluate public facilities level of service impacts.

407.123 Development Orders Requiring Certificate
The following development orders and permits are subject to a determination that the proposed development will not cause levels of service to fall below the county’s adopted standards for roads,
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potable water, sanitary sewer, stormwater management, parks, solid waste and mass transit and public schools:

(a) An application for a final development order issued by the Alachua County DRC, where the proposed final development order would authorize any change in the density, intensity, location, land uses, capacity, size, or other aspects of the proposed development that could be expected to result in additional impacts on public facilities; or

(b) An application for a mining, land excavation permit, or other permits for development that do not undergo review by the DRC, that will affect one or more of the public facilities that are subject to concurrency. Concurrency determinations for such permits will be limited to those public facilities which the DRC or Public Works Department determines will be impacted by the proposed activity.

407.124 Exemptions from Requirement for Certificate

Issuance of the following development orders shall be exempt from the requirements for obtaining a determination of capacity and a certificate of level of service compliance:

(a) Projects determined to be vested from pertinent concurrency requirements pursuant to Chapter 402, Article 27, Vested Rights;

(b) A demolition permit;

(c) The initial permit for a temporary use;

(d) A floodplain development permit;

(e) A facility which by state or federal law is not subject to the concurrency requirements of local land development regulations. This shall include projects that create a special part-time demand located within areas designated as either urban infill and redevelopment areas under s. 163.2517, F.S., existing urban service, or downtown revitalization areas. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours;

(f) Additions to existing single-family or duplex residential structures;

(g) Ancillary facilities to existing residential structures including pools, screen enclosures, and utility sheds;

(h) Permits to bring existing structures into code compliance, including re-roofs; and

(i) Individual single-family residences and accessory building permits on existing lots of record.

(j) Expansion of existing non-residential uses that result in a de minimis transportation impact, defined as less than 10 average annual daily trips.

407.125 Denial of Certificate

If it is determined that the requirements for concurrency cannot be met for any public facility impacted for a proposed development, an initial CLSC denial notice identifying the facilities that were determined not to be concurrent, the level of service deficiency and the impact assessment that was the basis for that determination will be issued by the concurrency management official and provided to the applicant.
(a) **Request for Reconsideration**

Upon receipt of an initial CLSC denial notice, the applicant may submit a request for reconsideration of initial CLSC denial to the concurrency management official with a proposed alternative impact assessment demonstrating that impacts will not violate concurrency management requirements. Any such request for reconsideration and the accompanying documentation shall be submitted within 45 days of the issuance of the initial CLSC denial notice and reviewed by the concurrency management official and approved or denied within 45 days of the receipt of the request for reconsideration.

(b) **Proposal to Address Denial**

Upon receipt of an initial CLSC denial notice, the applicant may submit a proposal to address an initial CLSC denial to the concurrency management official. Such proposal will identify proposed options to remedy the deficiency or deficiencies identified by the county as the basis for the initial CLSC denial. These options may include:

1. Modification of the density, intensity, or timing of the proposed development with identification of how the modifications will remedy the deficiency that was the basis for the initial CLSC denial; or
2. Measures to mitigate the deficiency, including an action plan to reduce the impacts of the proposed development on the affected public facilities that were determined not to be concurrent; such action plans may include special demand management measures to be incorporated as conditions of the final development order; or
3. Proposed improvements to the affected public facility that will be sufficient to offset the impacts of the proposed development resulting in the failure to meet concurrency. Such improvements may be included by the applicant as part of a development agreement or proposed as an amendment to the comprehensive plan in the form of projects to be included in the capital improvement program of the comprehensive plan or amendments to adopted level of service standards.
4. Pay a proportionate fair-share contribution for transportation facilities as defined in §407.125.1 of this Chapter, or provide proportionate share mitigation for public school facilities as defined in §407.125.2 of this Chapter.

(c) **Response to Proposal**

The CMO shall respond to the proposal within 45 days of receipt with an indication of whether the proposal, if implemented, would allow the proposed development to meet the concurrency requirement. If the proposal would require further action by the DRC or by the Board of County Commissioners, the applicant will be informed of the process to be followed to apply for such approval.

407.125.1 **Proportionate Fair Share Contribution for Transportation Facilities**

(a) **Purpose and Intent**

The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S.
(b) Findings

Alachua County finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the Alachua County Proportionate Fair-Share Program:

1. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;

2. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of transportation facilities;

3. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;

4. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow Alachua County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Comprehensive Plan Capital Improvements Element CIE).

5. Is consistent with §163.3180(16), F.S., and supports the policies in the Alachua County Comprehensive Plan, Policy 1.1.8 of the Transportation Mobility Element and the Capital Improvements Element.

(c) Applicability

The Proportionate Fair-Share Program shall apply to all developments in Alachua County that have been notified of a lack of capacity to satisfy transportation concurrency in the Alachua County Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate share under §163.3180(12), F.S., developments exempted from concurrency as provided in Policy 1.1.8 of the Alachua County Comprehensive Transportation Mobility Element, or developments exempted in §407.124 above.

(d) Fair-Share Mitigation Options

1. An applicant may choose to satisfy the transportation concurrency requirements of Alachua County by making a proportionate fair-share contribution, pursuant to the following requirements:

   a. The proposed development is consistent with the Alachua County Comprehensive Plan and applicable Unified Land Development Code (ULDC) regulations.

   b. The five-year schedule of capital improvements in the Alachua County Comprehensive Plan CIE or the long-term schedule of capital improvements for an adopted long-term Concurrency Management System (CMS) includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the Alachua County Concurrency Management System (CMS). The provisions of
§407.125.5(d)2 may apply if a project or projects needed to satisfy concurrency are not presently contained within the Alachua County Comprehensive Plan Capital Improvements Element or an adopted long-term schedule of capital improvements.

2. Alachua County may choose to allow a developer to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the Alachua County Concurrency Management System (CMS), but is not contained in the five-year schedule of capital improvements in the Alachua County Comprehensive Plan Capital Improvements Plan or a long-term schedule of capital improvements for an adopted long-term Concurrency Management System (CMS), where the following apply:

a. Alachua County adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the Alachua County Comprehensive Plan CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this Section, the proposed improvement must be reviewed by the Alachua County Board of County Commissioners, and determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with the Alachua County Comprehensive Plan, and in compliance with the provisions of this Section. Financial feasibility for this Section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

b. If the funds identified in the five-year Alachua County Comprehensive Plan CIE or financially feasible adopted long-term CMS are insufficient to fully fund construction of a transportation improvement required by the CMS, Alachua County may still enter into a binding proportionate fair-share agreement with the developer authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement(s) funded by the proportionate fair-share agreement shall be adopted into the five-year CIE or the long-term schedule of capital improvements for an adopted long-term CMS at the next annual CIE update.

c. Any transportation capacity project proposed to meet the developer’s fair-share obligation must meet the design standards of both Alachua County and FDOT.

(e) **Intergovernmental Coordination**

Pursuant to policies in the Intergovernmental Coordination Element of the Alachua County Comprehensive Plan, Alachua County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate
fair-share mitigation. An interlocal Agreement may be established with other affected jurisdictions for this purpose. The interlocal Agreement may include provisions to allow for local governments to provide Alachua County proportionate fair-share contributions from Developers to address deficiencies on County maintained roadways that are within the boundary of a local jurisdiction or are impacted by development within the local jurisdiction. Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System (SIS) requires the concurrence of the FDOT.

(f) Application Process

1. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program.

2. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.

3. Eligible applicants shall submit an application to Alachua County that includes an application fee and the following information:
   a. Name, address and phone number of owner(s), developer and agent;
   b. Property location, including parcel identification numbers;
   c. Legal description and survey of property; Project description, including type, intensity and amount of development;
   d. Phasing schedule, if applicable;
   e. Trip generation and distribution analysis; and
   f. Description of requested proportionate fair-share mitigation method(s).

4. The Concurrency Management Official shall review the application and certify that the application is sufficient and complete within 15 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program, then the applicant will be notified in writing of the reasons for such deficiencies within 15 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The Concurrency Management Official may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

5. Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
6. When an application is deemed sufficient, complete and eligible, the Applicant shall be advised in writing and a proposed proportionate fair-share obligation and Binding Agreement will be prepared by the applicant with direction from Alachua County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 30 days prior to the Alachua County Board of County Commissioners meeting when the Agreement will be considered.

7. Alachua County shall notify the Applicant regarding the date of the Alachua County Board of County Commissioners meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be executed until approved by the Board of County Commissioners and final development plan approval has been granted. Approval of the agreement shall not be binding upon the decision on the application for final development plan approval.

8. The Public Notice requirement for a proportionate fair-share agreement shall be the same as the public notice requirements for development plans as stated in Chapter 402, Article 4, Public Hearings, Table 402.12.1.

(g) Determining Proportionate Fair-Share Obligation

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

3. The methodology used to calculate an Applicant’s proportionate fair-share obligation shall be as provided for in §163.3180(12), F.S., as follows:

“The cumulative number of Peak Hour trips from the proposed development expected to reach the impacted roadways from the complete build out of a stage or phase being approved, divided by the change in the Peak Hour Maximum Service Volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.”

OR

Proportionate Fair Share = \[ \sum_i \left[ \frac{\text{Development Trips}_i}{\text{SV Increase}_i} \right] \times \text{Cost}_i \]

Where:

Development Trips\(i\) = Total number of trips from the stage or phase of development under review (minus pass-by, internal capture, and multi-modal trips) that are assigned to roadway segment “\(i\)” and have triggered a deficiency per the CMS;

SV Increase\(i\) = The increase in capacity provided by the improvement to the roadway segment “\(i\)” (The FDOT Generalized Tables shall be used to establish the base capacity and future year capacity with improvements);
Cost \( i = \) Cost of the additional capacity. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, maintenance of traffic, utility relocation, inspection, contingencies, stormwater facilities, turn lanes, traffic control devices, bicycle and pedestrian facilities, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

4. The methodology used to calculate an applicant’s proportionate fair-share obligation for stand alone intersection improvements shall be as follows:

“The cumulative number of trips from the proposed development expected to reach the impacted intersection during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of the intersection resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS. The LOS for intersections shall be determined based upon all movements operating at a volume to capacity ratio of 1.0 or less, the overall intersection shall operate at the least restrictive LOS standard for the intersecting roadways, and the left turn storage length shall be adequate to accommodate the average traffic queue.”

OR

Proportionate Fair-Share = \[ \sum \left( \frac{\text{Peak Hour Development Trips}_i}{\text{Additional Capacity}_i} \right) \times \text{Cost}_i \]

Where:

Development Trips \( i = \) Total number of trips from the stage or phase of development under review (minus pass-by, internal capture, and multi-modal trips) that reach the impacted intersection “\( i \)” and have triggered a deficiency per the CMS;

Additional Capacity \( i = \) The increase in capacity shall be obtained by subtracting the lane group capacity of the improved intersection minus the lane group capacity of the unimproved intersection;

Cost \( i = \) Adjusted cost of the improvement to intersection “\( i \)”. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, maintenance of traffic, utility relocation, inspection, contingencies, stormwater facilities, turn lanes, traffic control devices, bicycle and pedestrian facilities, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

5. For the purposes of determining proportionate fair-share obligations, Alachua County shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Plan, the MTPO Transportation Improvement Program or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:
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a. An analysis by Alachua County of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the Alachua County Board of County Commissioners or the Concurrency Administrator. In order to accommodate increases in construction material costs, project costs shall be adjusted by FDOT Construction Cost Inflation Forecast; or

b. The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.

6. If Alachua County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this Section.

7. If Alachua County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Alachua County Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by Alachua County and at no expense to Alachua County. The applicant shall dedicate the right-of-way to Alachua County per all applicable County requirements at no expense to Alachua County.

(h) Proportionate Fair-Share Agreement

1. The Applicant shall provide a draft Proportionate Fair-Share Agreement to Alachua County which contains all required documentation within this Section prior to issuance of a Preliminary Certificate of Level of Service Compliance (CLSC). If the draft Agreement is acceptable to Alachua County, then a Preliminary CLSC may be issued with the condition that, “Prior to the issuance of a Final Certificate of Level of Service Compliance, the applicant shall enter into a Binding Proportionate Fair-Share Agreement approved by the Alachua County Board of County Commissioners.”

2. Upon acceptance by the Alachua County Board of County Commissioners of a Proportionate Fair-Share Agreement the applicant shall receive a Final CLSC consistent with the provisions of §407.122. Should the applicant fail to apply for a final development permit within 12 months, or as otherwise established in a binding Agreement, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.

3. Applicants may submit a letter to withdraw from the Proportionate Fair-Share Agreement at any time prior to the execution of the Agreement. The application fee and any associated advertising costs to Alachua County will be nonrefundable. The applicant will lose its Preliminary CLSC approval upon withdrawal from the Proportionate Fair-Share Agreement.

4. The Proportionate Fair-Share Agreement shall specify the following:
   a. The Payment of the proportionate fair-share contribution shall be due in full prior to issuance of the final development order or recording of the
final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment and adjusted accordingly. The acceptable form of payment of the contribution shall also be specified.

b. All developer transportation capacity projects authorized under this Section must be completed prior to issuance of a building permit, or as otherwise established in a binding Agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of building permits.

c. Dedication of necessary right-of-way for transportation capacity projects pursuant to a Proportionate Fair-Share Agreement shall be completed prior to issuance of the final development order or recording of the final plat. The dedication and supporting documentation shall be completed at no expense to Alachua County.

d. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

e. Time frame that the Development is vested for concurrency, to include any phasing provisions or development thresholds.

f. Process for addressing amendments to the Agreement after the Agreement has been accepted by the Alachua County Board of County Commissioners.

g. Provisions for withdrawal of the Agreement after the Agreement has been accepted by the Alachua County Board of County Commissioners. Upon commencement of development, withdrawal shall not be allowed unless the applicant can clearly demonstrate that the development commenced has complied with all applicable concurrency requirements and that the traffic impact of the development has been acceptably mitigated.

5. Alachua County may enter into a Proportionate Fair-Share Agreement with multiple applicants for selected corridor capacity projects to facilitate collaboration with multiple applicants and allow for shared transportation capacity projects.

6. Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT.

(i) Appropriation of Proportionate Fair-Share Revenues

1. Proportionate fair-share contributions shall be placed in the appropriate project account for funding of scheduled improvements in the five-year Capital Improvement Plan or Long Term Concurrency Management System Plan, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government, proportionate fair-share
revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

2. In the event a scheduled facility improvement is removed from the five-year Capital Improvement Plan or Long Term Concurrency Management System Plan, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

3. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., Alachua County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the Alachua County Board of County Commissioners through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

4. Where a Developer constructs a transportation facility that exceeds the developer’s proportionate fair-share obligation, Alachua County may elect to establish an account for the developer for the purpose of reimbursing the developer for the excess contribution with proportionate fair-share payments from future developments that impact the transportation facility.

(j) Cross-Jurisdictional Impacts

1. In the interest of intergovernmental coordination and to acknowledge the shared responsibilities for managing development and concurrency, Alachua County may enter into an Interlocal Agreement with one or more adjacent local governments to address cross-jurisdictional impacts of development on regional transportation facilities. The Agreement shall provide for application of the methodology in this subsection to address the cross-jurisdictional transportation impacts of development.

2. A development application submitted to Alachua County subject to a transportation concurrency determination meeting all of the following criteria shall be subject to this subsection:
   a. All or part of the proposed development is located within one (1) mile of the area which is under the jurisdiction, for transportation concurrency, of an adjacent local government with which Alachua County has entered into an Interlocal Agreement per the provisions of paragraph (1) above; and
   b. Using its own concurrency analysis procedures, Alachua County concludes that the additional traffic from the proposed development would use five (5) percent or more of the FDOT Generalized Tables maximum service volume at the adopted LOS standard of a regional transportation facility within the concurrency jurisdiction of the adjacent local government (“impacted regional facility”); and
c. The impacted regional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.

3. Upon identification of an impacted regional facility, Alachua County shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

a. The adjacent local government shall have up to ninety (90) days in which to notify Alachua County of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of §163.3180(16), F.S. Should the adjacent local government decline proportionate fair-share mitigation under this Section, the provisions of this subsection would not apply.

b. If the subject application is subsequently approved by Alachua County, the approval shall include a condition that the applicant provides, as specified in the Proportionate Fair-Share Agreement, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied. Alachua County may require the adjacent local government to declare, in a resolution, ordinance, or equivalent document, its intent for the use of the concurrency funds to be paid by the applicant.

(k) Impact Fee Credit
Impact Fee Credits for proportionate fair-share contributions shall be provided per the Alachua County Impact Fee Ordinance and shall be consistent with §163.3180(16)(b)2., F.S.

407.125.2 Proportionate Share Mitigation for Public School Facilities and Phased Reservations

(a) Purpose and Intent
The purpose of this Section is to establish a method whereby the impacts of development on public school facilities can be mitigated by the cooperative efforts of the public and private sectors. Alachua County, in coordination with the School Board of Alachua County, shall provide for mitigation options that are determined by the SBAC to achieve and maintain the adopted LOS standard consistent with the adopted SBAC’s 5-Year District Facilities Work Program.

(b) Mitigation Options
Mitigation may be allowed for those developments that cannot meet the adopted LOS Standards. Mitigation options shall include options listed below for which the SBAC agrees to assume operational responsibility through incorporation in the adopted SBAC’s Five-Year District Facilities Work Program and which will maintain adopted LOS standards.

1. The donation, construction, or funding of school facilities or sites in accordance with costs determined by the School Board sufficient to offset the demand for public school facilities created by the proposed development;
2. The creation of mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits; and,

3. The establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF).

(c) Mitigation Must Enhance Program Capacity
Mitigation must be directed toward a program capacity improvement identified in the SBAC’s 5-Year District Facilities Work Program that satisfies the demands created by the proposed development consistent with the adopted LOS standards.

(d) Mitigation to Meet Financial Feasibility
Mitigation shall be directed to projects on the SBAC’s 5-Year District Facilities Work Program that the SBAC agrees will satisfy the demand created by that development approval. Such mitigation proposals shall be reviewed by the SBAC, the County and any affected municipality. If agreed to by all parties, the mitigation shall be assured by a legally binding development agreement between the SBAC, the County, and the applicant which shall be executed prior to the County’s issuance of the final development order. In order to agree to the mitigation, the SBAC must commit in the agreement to placing the improvement required for mitigation in its 5-Year District Facilities Work Program.

(e) Calculating Proportionate Share
The applicant’s total proportionate share obligation to resolve a capacity deficiency shall be based on the following:

\[
\text{NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE)} = \text{NUMBER OF DWELLING UNITS BY HOUSING TYPE} \times \text{STUDENT GENERATION MULTIPLIER (BY HOUSING TYPE AND SCHOOL TYPE)}
\]

\[
\text{PROPORTIONATE SHARE AMOUNT} = \text{NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE)} \times \text{COST PER STUDENT STATION FOR SCHOOL TYPE.}
\]

The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle or high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.

The SBAC average cost per student station shall only include school facility construction and land costs, and costs to build schools to emergency shelter standards when applicable.

The applicant’s proportionate-share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

(f) Phased Reservations
Phased projects consistent with Section 407.121 may be approved, provided the development order is in accordance with an agreement entered into by the School Board, Alachua County, and the developer, which may include a phasing schedule.
or other timing plan for development plan approvals, capacity reservation fees, capacity enhancement agreements, or other requirements as determined by the School Board. Any modifications to a phased project shall be pursuant to the Agreement and in accordance with the ILA.

407.125.3 Multi-Modal Transportation Mitigation Program

(a) **Purpose and Intent**

The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities in the Urban Cluster can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Multi-Modal Transportation Mitigation Program, in a manner consistent with §163.3180 F.S.

(b) **Findings**

Alachua County finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the Alachua County Multi-Modal Transportation Mitigation Program:

1. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
2. Allows developers to proceed through a one-time mitigation payment to address their impact on the multi-modal transportation system within Transportation Mobility Districts established in the Urban Cluster; Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive transportation mobility planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion without viable multi-modal alternatives;
3. Maximizes the use of public funds for adequate transportation mobility to serve future growth, and may, in certain circumstances, allow Alachua County to expedite transportation mobility improvements by supplementing funds currently allocated for transportation mobility in the Comprehensive Plan Capital Improvements Element CIE.
4. Is consistent with §163.3180 F.S., and supports the policies in the Alachua County Comprehensive Plan, Policy 1.1.7 of the Transportation Mobility Element and Policy 1.3.2(C)3 of the Capital Improvements Element.

(c) **Applicability**

The Multi-Modal Transportation Mitigation Program shall apply to all developments in Alachua County within Transportation Mobility Districts located in the Urban Cluster that do not have a valid final CLSC for transportation concurrency as of the date of adoption of the Multi-Modal Transportation Mitigation Ordinance or are exempt from a CLSC per §407.124.

1. The Multi-Modal Transportation Mitigation Program does not apply to projects that exceed thresholds for developments of regional impact (DRIs) outside of the Urban Service Area per Objective 8.6 of the Future Land Use Element.
2. Developments greater than 1,000 dwelling units or 350,000 square feet of non-residential uses shall also address the mitigation requirements per Transportation Mobility Element Policy 1.1.10.3 of the Comprehensive Plan.

3. In order for a development to receive a final CLSC, the Developer shall enter into a Multi-Modal Transportation Mitigation Agreement that stipulates the Developer voluntarily agrees to pay the mitigation in order to address its transportation impact.

(d) Payment of Multi-Modal Transportation Mitigation

1. The Multi-Modal Transportation Mitigation rates will be established at final development plan approval and included as part of the CLSC. The MMTM will be assessed at the time of final development building permit application based upon the rates established as part of the final CLSC. The MMTM shall be paid prior to approval of the final inspection for the use. The MMTM rates shall represent the maximum mitigation to be paid by the development so long as the CLSC remains valid. Should the MMTM rates decrease due to additional revenue to fund transportation mitigation and/or the modification of the projects included in the Capital Improvements Element, then the development shall have the right to pay the lower rates.

2. For uses that do not require a building permit, the Multi-Modal Transportation Mitigation shall be paid prior to final development plan approval, unless otherwise specified in the MMTM Agreement.

3. A Developer has the option to pay their Multi-Modal Transportation Mitigation concurrent with final development plan approval and if applicable, approval of any subsequent Developer Agreement. The Mitigation shall be based on the MMTM schedule in effect at the time of final development plan approval. The mitigation shall be re-evaluated at the time of building permit application to determine if additional mitigation or a refund of the mitigation is due based on changes to the size of the use or unit of measure used to determine the mitigation at final development plan approval or if the MMTM rates decrease due to additional revenue to fund transportation mitigation and/or the modification of the projects included in the Capital Improvements Element.

4. Shell buildings shall be assessed at the time of building permit application for interior completion of the shell. The Mitigation shall be based on the MMTM schedule in effect at the time of building permit application for the interior completion of the shell.

5. Upon payment of the Multi-Modal Transportation Mitigation, the development will have mitigated its impact and not be subject to any subsequent changes in the Multi-Modal Transportation Mitigation program.

6. Recognizing the “time value of money” component of financing, Alachua County offers the following MMTM payment incentives:
   a. Payment concurrent with Final Development Plan Approval = 15% reduction
   b. Payment concurrent with Building Permit Application = 7.5% reduction
   c. Payment concurrent with Final Building Inspection = 0% reduction
(e) Determining Multi-Modal Transportation Mitigation Obligation

1. Multi-Modal Transportation Mitigation for transportation mobility impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

2. A development shall not be required to pay more than its impact to the transportation system. The fair market value of the Multi-Modal Transportation Mitigation for mobility impacts shall not differ regardless of the method of mitigation.

3. The methodology used to calculate an Applicant’s Multi-Modal Transportation Mitigation shall be as follows:

   “The target funding level divided by the growth in vehicle miles of travel times the vehicle miles of travel for the proposed use. ”

OR

\[ VMT_g = VMT_f - VMT_b \]

\[ T_{cfl} = C_c - C_r \]

\[ T_{tofl} = T_{oc} - C_r \]

\[ VMT_r = \frac{T_{cfl}}{VMT_g} + \frac{T_{tofl}}{VMT_g} \]

\[ VMT_p = (T_g \times A_t l) \times .5 \times (1 - %CC) \times (%NT) \]

Multi-Modal Transportation Mitigation = \[ VMT_r \times VMT_p \]

Where:

Vehicle Miles of Travel Growth (VMTg) = The projected total of vehicle miles traveled in the horizon year (VMTf) minus the base year (VMTb) vehicle miles of travel.

Target Capital Funding Level (Tcfl) = The total cost of transportation capital (Cc) for projects consistent with the Capital Improvements Element. Cost shall include all capital infrastructure construction costs, along with cost for design, right-of-way, planning, engineering, maintenance of traffic, utility relocation, inspection, contingencies, project management, stormwater facilities, turn lanes, traffic control devices, bicycle and pedestrian facilities, transit vehicles, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

Target Transit Operations Funding Level (Ttofl) = The total cost of transit operations (Toc) consistent with the Capital Improvements Element.

Committed Revenue (Cr) = The total committed revenue to fund transportation capital and transit operations.

Vehicle Miles of Travel Rate (VMTr) = Target Funding Level for transportation capital and transit operations divided by Vehicle Miles of Travel Growth

Vehicle Miles of Travel Proposed Use (VMTp) =

\( T_g = \) Trip Generation Rate

\( A_t l = \) Average Trip Length
For the purposes of determining Multi-Modal Transportation Mitigation obligations, Alachua County shall determine mobility improvement costs, including transit, based upon the actual cost of the improvement utilizing the latest available data. Mobility improvements, including transit shall be consistent with projects identified in the Capital Improvements Element.

An applicant shall have the option to conduct an alternative Multi-Modal Transportation Mitigation study consistent with the methodology in 407.125.3 (d) (3). A signed methodology agreement by the Alachua County CMO or his/her designee shall be required prior to the applicant conducting the alternative analysis. The analysis shall be conducted by a professional engineer or certified planner with documented experience in conducting transportation analysis. The alternative study must be found sufficient and requires acceptance and approval by Alachua County before an applicant can receive a CLSC.

(f) Multi-Modal Transportation Mitigation Agreement

1. The Applicant shall provide a Multi-Modal Transportation Mitigation (MMTM) Agreement in the form provided by the County that contains all required documentation within this Section. The Agreement shall require approval by the Board of County Commissioners (BOCC) before becoming effective.

2. An applicant may submit the Agreement with preliminary development plans. For projects that require preliminary development plans be approved by the BOCC, the Agreement may be approved concurrent with preliminary development plans. For projects where preliminary development plans are approved by the Development Review Committee, the Agreement would require separate approval by the BOCC upon approval of the preliminary development plans. The Applicant shall enter into a binding Agreement with the County prior to any final development plan approval. Such agreement shall not constitute Final Development Plan approval or any intent by Alachua County to guarantee approval of the Final Development Plan application. Entering into the Agreement only satisfies the applicant’s transportation concurrency requirements. Should the application for Final Development Plan be denied, the Agreement shall be null and void.

3. The Multi-Modal Transportation Mitigation Agreement shall be an addendum to the Final Certificate of Level of Service Compliance. The MMTM schedule in effect at the time of final development plan approval shall be included with the CLSC to establish the MMTM rate to be evaluated at building permit application. Should the applicant fail to apply for a final development plan within 12 months, or as otherwise established in a binding Agreement, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.

4. Request for credit for the construction of infrastructure or right-of-way dedication shall be made in the draft MMTM agreement. If the infrastructure project or right-of-way dedication was requested or required by the County after submittal of the draft MMTM agreement, then the draft agreement shall be revised prior to submittal of the final development plan. The CMO has the
option to require an Applicant to enter into a Developers Agreement, which would require approval by the Alachua County Board of County Commissioners before going into effect, where credit is requested for large scale infrastructure projects or right-of-way dedication. A Developers Agreement shall be required in instances where a Developer requests reimbursement for the expenditure of funds beyond the Developer’s Multi-Modal Transportation Mitigation.

5. Applicants may submit a letter to withdraw from the Multi-Modal Transportation Mitigation Agreement at any time prior to the approval of the Final CLSC. The application fee and any associated advertising costs to Alachua County will be nonrefundable. The applicant will lose its Preliminary CLSC approval upon withdrawal from the Multi-Modal Transportation Mitigation Agreement.

6. Any requested change to a development project subsequent to a development order may be subject to additional Multi-Modal Transportation Mitigation to the extent the change would generate additional traffic that would require mitigation.

7. The agreement shall specify the following:
   a. The proposed timing of the payment of the Multi-Modal Transportation Mitigation.
   b. The process for determining the required Multi-Modal Transportation Mitigation. The applicant shall specify whether they elect to utilize the Multi-Modal Transportation Mitigation schedule or they conducted an alternative Multi-Modal Transportation Mitigation study. The study, if applicable, shall be included as an addendum to the agreement. If the CMO has agreed to an alternative timing to conduct the study, then the timing shall be specified in the agreement.
   c. The process for establishing the value of an infrastructure project or right-of-way dedication where credit is requested. If a dollar amount is agreed to, then the dollar amount and the basis for the agreed to figure shall be included in the agreement.
   d. The voluntary acknowledgment that the Developer will pay the required mitigation. The Developer is required to provide a disclosure form to be utilized by a builder applying for a building permit or occupant applying for development plan approval for uses not requiring a building permit that specifies who is responsible for payment of the mitigation. A copy of the disclosure form specifying the entity that will pay the mitigation shall be provided with all building permit or development plan applications. The disclosure form shall be signed by both the Developer and the builder or occupant. The Developer will be required to pay the required mitigation if the building permit applicant fails to pay the required mitigation within 10 days of receiving the County’s demand for payment.
   e. Time frame that the Development is vested for concurrency, including any phasing provisions or development thresholds.
f. Process for addressing amendments to the Agreement after the Agreement has been accepted by the Alachua County Board of County Commissioners.

g. Provision for withdrawal once the Agreement has been approved by the County. Upon commencement of development, withdrawal shall not be allowed unless the applicant can clearly demonstrate that the development commenced has complied with all applicable concurrency requirements and that the traffic impact of the development has been acceptably mitigated.

(g) Appropriation of Multi-Modal Transportation Mitigation Funds

1. The Comprehensive Plan identifies three (3) Transportation Mobility Districts within the Urban Cluster. The NW District is generally the area north of Newberry Road east of Interstate 75 and north of SW 8th Avenue west of Interstate 75. The SW District is generally the areas south of SW 8th Avenue and west of Interstate 75. The East District is generally the areas east of NW 34th Street (SR 121).

2. Multi-Modal Transportation Mitigation funds shall be placed in special revenue / mobility project trust funds established for the three (3) Transportation Mobility Districts for funding of scheduled transportation improvements consistent with the Capital Improvements Element. Funds shall be placed in the Transportation Mobility District trust fund from which the revenues were collected. Funds shall be spent in the District from which they were collected.

3. Multi-Modal Transportation Mitigation funds shall be used to fund infrastructure projects and transit operations consistent with the Capital Improvements Element. Multi-Modal Transportation Mitigation revenues shall not be spent for maintenance of infrastructure, within any municipality or for local roads or mainline Interstate improvements.

4. Multi-Modal Transportation Mitigation funds may be used for intersection operational and capacity improvements prior to construction of a corridor-wide capacity project identified in the Capital Improvements Element.

5. Where a Developer constructs a transportation mobility improvement that exceeds the developer’s Multi-Modal Transportation Mitigation, Alachua County may elect to establish an account for the developer for the purpose of reimbursing the developer for the excess contribution with Multi-Modal Transportation Mitigation payments from future developments within the same Transportation Mobility District.

6. Alachua County may elect to establish a separate infrastructure account within a Transportation Mobility District to ensure that funds collected in a particular area are spent on a specific infrastructure project(s) or within a specific development from which they are collected.

7. The full cost to administer the Multi-Modal Transportation Mitigation Program such as preliminary assessments, application for credit due to construction of improvements, dedication of right-of-way or existing uses, front-ending agreements, building permit assessment, alternative analysis, annual reporting and monitoring, periodic updates, infrastructure and transit planning and dispute resolution.
(h) **Determining Multi-Modal Transportation Mitigation Credit**

1. An applicant may request Multi-Modal Transportation Mitigation credit for the dedication of non-site related right-of-way and construction of infrastructure consistent with the Capital Improvements Element. In addition, an applicant may request credit for funds expended to fund transit operations to and from the development consistent with transit service identified in the Capital Improvements Element.

2. If Alachua County has accepted an infrastructure project, consistent with the Capital Improvements Element, in lieu of the entire or a portion thereof of the applicant’s Multi-Modal Transportation Mitigation, then the value of the improvement shall be determined using invoices based on actual cost or for projects that choose to make payment at development plan approval a certified signed and sealed engineer’s estimate acceptable to Alachua County.

3. If Alachua County has accepted right-of-way dedication consistent with the Capital Improvements Element, in lieu of the entire or a portion thereof applicant’s Multi-Modal Transportation Mitigation, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 130 percent of the most recent assessed value by the Alachua County Property Appraiser or, at the option of the applicant, by fair market value established by a licensed independent appraiser at no expense to Alachua County. To receive the credit, the applicant shall dedicate the right-of-way to Alachua County per all applicable County requirements at no expense to Alachua County.

4. For projects not identified in the Capital Improvements Element, the Board of County Commissioners may elect to adopt the projects for inclusion in the Capital Improvements Element and include the project in subsequent updates of the Capital Improvements Element.

5. Multi-Modal Transportation Mitigation credits may be transferred to other developments within the same Transportation Mobility District, so long as all the developments are owned by the same development entity. If the credit is based on an improvement or right-of-way dedication for a facility that forms the border of two Transportation Mobility Districts, the credit could be utilized in either District.

(i) **Multi-Modal Transportation Mitigation**

The Multi-Modal Transportation Mitigation schedule shall be provided in a tabular format with specified uses, the mitigation for each use and the effective date of the schedule. The schedule shall be made available on the Growth Management Department’s website and posted in the building permit division.

(j) **Updates of Multi-Modal Transportation Mitigation**

The Multi-Modal Transportation Mitigation shall be evaluated on an annual basis concurrent with updates to the Capital Improvements Element. The Multi-Modal Transportation Mitigation shall be re-evaluated should transportation mobility improvements in the Capital Improvements Element be added, modified or removed. The Multi-Modal Transportation Mitigation shall be re-evaluated in the event a sales tax, gas tax or other revenue source is established to pay for all or a portion of the transportation mobility improvements in the Capital Improvements.
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Element. Any increase in the Multi-Modal Transportation Mitigation Program, not related to a phase-in of the mitigation, shall require 90 days advertised notice and posting on the Growth Management website prior to the increase going into effect.

(k) Administrative Manual
An administrative manual shall be developed to specify the procedures related to the administration of the Multi-Modal Transportation Mitigation Program, updates, reporting requirements, exceptions, alternative studies, credit applications and forms.

(l) Impact Fee
Developments that pay the Multi-Modal Transportation Mitigation shall not be required to pay a transportation impact fee. Once a development’s Certificate of Level of Service Compliance expires, all subsequent building activity within the development shall be required to mitigate its impact through payment of the Multi-Modal Transportation Mitigation.

407.126 Appeals
Any person with legal standing who wishes to challenge a final CLSC or a proportionate share final determination may do so in accordance with the procedures outlined in Chapter 402, Article 28, Appeal Procedures.

407.127 Enforcement
A violation of this Chapter shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Alachua County shall have the power to sue in civil court to enforce the provisions of this Chapter. Violations of this Chapter may also be referred to the Alachua County Codes Enforcement Board for enforcement in accordance with F.S. ch. 162 and Chapter 24 of the Alachua County Code of Ordinances, which relate to the Codes Enforcement Board.
Article 13  Access Management and Street Network Standards

407.128  Purpose
It is the purpose of this Chapter to provide criteria for the management of access onto public streets in the unincorporated portions of Alachua County and on county roads within the municipalities. It is not the intent of this Chapter to conflict with or duplicate the access management permitting program for state highways as outlined in the FDOT Access Management Classification System and Standards as established in chapter 14-97, Florida Administrative Code, for connections to the state highway system. It is further the purpose of this Chapter to implement the following policies contained in the Transportation Mobility Element of the Comprehensive Plan: policy 1.1.3.1, 1.1.9, 1.2.2, 1.2.3, and 1.5.4.

407.129  Connection Classifications
Roadway connections will be classified according to the expected traffic volume using the connection, the type of property and land use served and the type of connection. The expected traffic volume is the primary factor and shall be determined using the most current issue of the Institute of Transportation Engineer’s Trip Generation Manual. The design standards for construction will be based on the classification, as determined by the County Engineer.

(a)  Class I: Noncommercial driveway or sidewalk, low volume traffic generator. Provides access to a single-family dwelling, a duplex or a multiple-family dwelling of four units or less. The term shall also apply to driveways used as access to agricultural land, including field entrances, and to all sidewalk and bikeway connections.

(b)  Class II: Minor commercial driveway, medium volume traffic generator. Provides access to property being used for other than nominal residential and agricultural uses (estimated ADT less than or equal to 1,200).

(c)  Class III: Major commercial driveway, high volume traffic generator. Provides access to facilities which generate high traffic volumes such as shopping centers, industrial parks, office parks, schools, apartment or condominium complexes, etc. (estimated ADT greater than 1,200). Drainage connections shall be considered a Class II permit.

(d)  Class IV: Public/private roads. All new public or private streets or roads.

407.130  Connection Permit Required
A permit shall be required from the County Engineer prior to constructing or modifying, as defined below, any connection to the county road system. A connection permit shall be required for each of the following:

(a)  All new connections onto a county road, regardless of whether the development served by the connection is new or existing. This shall include evaluation of existing driveway connections for replacement of existing residential structures or the redevelopment of non-residential uses;

(b)  All modifications to existing driveways, desired by the property owner, that will result in a change in the driveway's dimensions, location, profile, or the movement of vehicular or pedestrian traffic or in the manner in which stormwater is routed at the connection; changes in or replacement of storm drain pipes; construction to bring existing driveways into compliance with codes or ordinances;
(c) All modifications to the driveway required by the County Engineer due to changes on-site that affect the safe and efficient operation of traffic at the connection, or paving of an existing driveway;

(d) All new public or private roads, or modifications to private roads desired by the property owner;

(e) All sidewalk or bikeway connections to the county road system;

(f) All transit facilities and connections to the county road system.

407.131 Exemptions from Permit Requirement

Class I connections to the state highway system that do not require development plan approval are exempt from county approval. Connections to the state highway system do not require a connection permit from the County, but will be reviewed during the development review process for consistency with the requirements of this chapter, in regards to location, spacing and number of connections to the property and the impact the development may have on traffic operations at the connection.

407.132 Filing of Permit Application

An application for a connection permit shall be filed with the Office of Codes Enforcement or Public Works Department for all class I connections on the county road system in the unincorporated area. All other connections, including class I connections to the county road system located within a municipality, shall file an application with the Public Works Department.

407.133 Required Information

The following information is required for all connection classifications:

(a) Location. The location of the property shall be identified clearly enough to allow the proposed site to be located in the field.

(b) Identification of property owner and applicant. Complete names, addresses and telephone numbers of the property owner and the applicant shall be given on the application.

(c) Property use. The proposed land use, along with the number of units or square footage, and the estimated average daily trips and the peak hour trips for land uses anticipated to generate more than 1200 daily trips.

(d) Development plan. Class II, III, and IV connections shall also submit a development plan for the entire development. The plan should include the following information:

1. Street address, connection dimensions, including distance from property lines, location of street centerline and right-of-way line, proposed driveway surface, adjacent upstream and downstream drainage pipes or structures and the size, elevation and grade of the proposed pipe;

2. Existing highway pavement widths and median widths;

3. Proposed and/or existing driveway approaches including the proposed turning radii and widths, driveway angle to highway, distance between double drives, distance from driveway to property lines and intersecting right-of-way and other dimensions as appropriate;

4. Design profile along the centerline of the driveway and typical cross section of the driveway showing the proposed pavement design.
a. **Class II connections and improvements** with an ADT less than or equal to 1,200 shall be constructed with a minimum pavement thickness of one and one-half inches, a minimum base thickness of eight inches, and a minimum subgrade bearing ratio (LBR) of 40. All pavement widening shall include the milling of one foot of the existing edge of pavement. Deceleration and acceleration tapers for Class II driveways must match this same criteria.

b. **Class III connections and improvements** with an ADT between 1,200 and 2,500 shall be constructed with a minimum pavement thickness of two inches of structural asphalt, a minimum base thickness of ten inches and a minimum subgrade LBR of 40. All pavement widening shall include the milling of one foot of the existing edge of pavement. Deceleration and acceleration tapers for Class III and IV driveways must match these same criteria.

c. **Class III connections and improvements** with an ADT greater than 2,501 shall be constructed with a minimum pavement thickness of two inches of structural asphalt and one and one-half inches of friction course, a minimum base thickness of ten inches and a minimum subgrade LBR of 40. All pavement widening shall include the milling of one foot of the existing edge of pavement. Deceleration and acceleration tapers for Class III and IV driveways must match these same criteria.

d. **Class IV improvements** shall be constructed in accordance with the applicable standards for that facility.

1. Proposed and existing drainage pipe, or other drains, including pipe size and type of material. Also include significant existing and proposed grading or contouring that affects the natural drainage pattern or runoff toward the roadway and the driveway connection, drainage calculations and pertinent data;

2. Existing or proposed retaining walls, poles, sidewalks, bikepaths, drainage structures, utilities, and any other physical features which may affect the driveway location;

3. The location of all existing and proposed buildings that may be served by the connection;

4. All parking and interior drives that may impact the connection;

5. Distance from the proposed connection to intersecting roads, streets, railroads, median crossovers, and adjacent existing connections within 300 feet on both sides of the road;

6. Distance from the right-of-way line to gasoline pumps;

7. The location of all trees, within the road right-of-way, specifying those trees that must be removed to construct the connection and provide adequate sight distance;

8. All parcels intended to use the connection;

9. Traffic control devices and lighting;

10. The actual sight distance from the connection along the public street in the direction(s) of approaching traffic.
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(e) **Additional traffic data.** The following additional traffic data collected within one year of submittal of final development plan shall be required for class III and class IV connections and may be required by the County Engineer for class II:

1. Vehicle turning movement data for present conditions and future conditions when fully developed;
2. Evaluation of connection to adjacent vacant parcels to evaluate potential of future collector classification;
3. Amount and type of traffic that will be generated by the proposed development;
4. Traffic control (signal, round-a-bout, stop control) warrant analysis and design if warranted; and
5. Left and right turn lane warrant analysis.

**407.134 Connection Design Requirements**

(a) **Location of connections.** All connections shall be located at a point along the frontage that will provide acceptable sight distance, as determined by the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, and avoid any unreasonable interference with the free and safe movement of traffic.

1. Existing or proposed roadway features, such as median openings, turning lanes, intersections, drainage, traffic signals, pedestrian traffic and utilities shall be considered in accordance with guidelines in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways in determining the location of driveways;
2. In the interest of public safety and/or in an effort to maintain the level of service of the road, the county engineer has the authority to restrict the placement of a connection to a particular location along the frontage, or to require alternative access to other public roads, if available, where direct access to a road may be unsafe or cause improper traffic operations;
3. No connection shall be allowed within the radius return of intersecting roadways. In addition, no connection shall be allowed within 250 feet of the radius return of major intersecting roadways. Major intersecting roadways are defined as roadways functionally classified as collector or higher. A variance for existing developments or existing lots of record may be considered when properties are redeveloped and this requirement cannot be met.

(b) **Operational characteristics of connections.** All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits. No connection shall be constructed along acceleration or deceleration lanes and tapers connecting to interchange ramps, intersecting roadways, bus bays or other driveways, unless access is unreasonably denied and the connection can be designed to function safely and efficiently.

(c) **Spacing requirements.** Class III and IV connections along arterial roadways shall be located at a minimum of 275 feet apart with distance measured between the nearest edges of the two connections, and shall be no closer than 250 feet to the
right-of-way line of any intersecting roadway. The extent and placement of connections on arterial and major collectors shall be subject to the approval of the County Engineer.

(d) Number of connections. The minimum number of connections should be allowed that will adequately serve the needs of the proposed land use. There shall be no more than one connection to a collector or arterial road for any single property unless the frontage width exceeds 1000 feet. All connections are subject to the approval of the County Engineer. Additional connections may be permitted when one or two connections will not provide adequate access due to topographic or safety conditions. Additional connections may be permitted only upon submittal of an approved traffic engineering study that indicates additional connections are warranted and do not cause operational concerns. Multiple Class I connections to a single lot shall require separate permits for each connection. Where practicable, joint use driveways need to be considered.

(e) Widths of connections. The actual width of the connection shall be subject to internal and external traffic flow considerations. Consideration should be given to the number of lanes, driveway geometrics, internal obstructions, and traffic safety. In no case shall a class I connection be less than ten feet. All other classifications shall be a minimum width of 24 feet for two-way connections. The maximum width of any connection shall be based on a maximum lane width of 15 feet with a maximum of three lanes for connections without landscaped islands and four lanes for connections with landscaped islands.

(f) Length of connections. The length of connections shall be subject to providing for an uninterrupted traffic flow on the public street. This will require that the entering vehicles not be confronted with maneuvering vehicles at the immediate point of entry, thus requiring other entering vehicles to stop in the through traffic flow. The length, therefore, will be subject to the anticipated required stacking length of entering vehicles during the peak period. Class III connections should provide a minimum length of 100 feet.

(g) Joint connections and frontage roads. Joint connections or frontage roads should be given consideration and promotion where there are several adjacent developments with limited frontage, where there is probability of such developments, and when the county engineer determines such features are necessary and feasible in promoting the safe and efficient operation of the road.

(h) Grades. The profiles of all connections shall be constructed in accordance with Indexes 515 and 516 of the latest edition of the Florida Department of Transportation Roadway and Traffic Design Standards.

(i) Culverts. When a side drain pipe is required, rural turnouts shall require a minimum pipe size of 18 inches in diameter, or equivalent, with mitered ends and concrete collars. Class I driveways for replacement homes will be verified after the home installation or construction to verify the integrity of the driveway connection.

(j) Right-of-way. The development shall dedicate right-of-way along the entire frontage of the development adjacent to public roadways where the development has an access connection to the public roadway to provide for adequate travel lane width, turn lanes, paved shoulders, multi-use path, stormwater, clear recovery area, existing or planned utilities serving the development and
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landscaping and street trees required to be provided by the development. An easement contiguous to the right-of-way may be provided by the developer for stormwater, utilities, and a multi-use path where existing or proposed vegetation is located between the path and the edge of roadway pavement.

407.135 Traffic Control Devices
The installation of regulatory signs and pavement markings at Class II, III and IV connections shall be required in order to provide for safe and efficient movement of traffic. All traffic control devices shall be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), and FDOT roadway and traffic design standards.

407.136 Other Access Management Considerations

(a) Medians. New openings shall be permitted only when a specific need is justified based on a traffic engineering study of the area involved. A median opening shall be installed only when it can be documented as being acceptable, benefiting the overall traffic flow, safety and efficiency of the roadway. Protected left turn storage should be provided in the median when openings are constructed for left turn movements from divided highways.

(b) Auxiliary lanes. Auxiliary lanes refers to acceleration, deceleration and storage lanes. The need for auxiliary lanes shall be given consideration on all access connections to collector and arterial facilities.

1. Acceleration lanes should also be considered on any facility where there is a large percentage of truck traffic.

2. All auxiliary lanes shall be constructed in accordance with FDOT Standard Index 526.

3. A development with 50 or more total peak hour trips connecting to a collector or arterial roadway shall require a left turn storage lane. This shall include the construction of a left turn storage lane on any collector or arterial that provides access to the development via a local road that is within ½ mile of the development. The development shall also be required to resurface the local roadway from the limits of the connection to the local road to the collector or arterial facility. All other developments connecting to a collector or arterial roadway shall require a left turn storage lane, if warranted.

4. Class II, III and IV connections to a two-lane collector or arterial roadway with a design speed limit of 50 mph or greater shall require a deceleration lane. Class II connections may require a deceleration lane or taper. Final determination on Class II tapers will be based on proposed land use and safety and operational characteristics at the proposed location.

5. All left-turn storage lanes, at a minimum, must include the addition of paved shoulders and a full-width asphalt overlay.

(c) Intersection analysis. Off-site intersections shall be evaluated by the developer to determine operational and safety improvements attributable to the development. The intersections to be evaluated and the timing of the analysis shall be established during preliminary development plan review, in accordance with Chapter 402, Article 10. The analysis shall be submitted with final development plans per the timing established during preliminary development plan review. The
development shall be responsible for the construction of necessary improvements including turn lanes, turn lane storage, traffic control devices and transit, bicycle and pedestrian facilities.

1. Developments which generate more than 1,000 cumulative daily trips shall be required to evaluate intersections of collectors and arterials with all roadways providing access to the development.

2. Developments which generate more than 5,000 cumulative daily trips shall be required to evaluate intersections of collectors and arterials with all roadways providing access to the development and significant intersections within ¼ mile of the development or the first major significant intersection if greater than ¼ mile.

3. Developments which generate more than 10,000 cumulative daily trips shall be required to evaluate intersections of collectors and arterials with all roadways providing access to the development and significant intersections within 1/2 mile of the development or the first major significant intersection if greater than 1/2 mile.

407.137 Expiration of Permit

A permit shall expire within one year of the application date if construction of the connection has not commenced. Incomplete construction may also cause permits to be considered null and void and subject to removal of partially constructed access if not completed within the one-year period.

407.138 Use of Permitted Access

Construction required for permit approval shall be completed prior to approval by the County Engineer for public use and related building occupancy.

407.139 Exceptions

Exceptions from certain connection design requirements included in Sections 407.134 through 407.136, such as driveway width, radius, angle edge clearance, corner clearance, spacing and island dimensions, may be granted by the County Engineer in writing and in advance of construction. Projects that are reviewed through the County’s development review process shall submit a request to the County Engineer in writing along with the application for development plan review. An exception for existing development may be considered when connections are reconstructed as a part of redevelopment and where compliance with these standards will place extreme hardship on the property owner. Exceptions may also be granted if the resulting connection will result in an improved condition, such as landscaping or stormwater management without sacrificing the safety and efficiency of the traffic operations.

407.140 Street Network Standards

All streets shall be designed to meet the design elements of the Alachua County Corridor Design Manual.

(a) External Connectivity

1. No direct access shall be permitted from any lots in subdivisions or outparcels in retail centers to any street or highway on the county or state system, which is functionally classified in accordance with F.S. 335.04 at a level of major collector or higher except where the construction of an internal street is not technically feasible as determined by the Development Review Committee or the development creates only two lots fronting on the street and the lots have frontage greater than 250 feet and are served by a common access driveway.
2. All new lots in subdivisions and new non-residential developments shall be accessed via a paved public street or a private paved street constructed to county specifications. Access to and within a development project shall be in place prior to the accumulation of combustible materials [such as building materials] on the development site. Temporary access can be used prior to the completion of the final paved roadway network. All access routes must meet the minimum criteria specified in paragraph §407.140(a)6.

3. No lot shall access an unpaved road except for lots meeting the requirements in §407.75 and §407.76.

4. All developments with frontage on a public road shall access the public road except where infeasible due to original tract dimensions or topography.

5. For developments containing 25 or more residential units or generating 250 or more non-residential daily trips, there shall be a minimum of two functional access points located on different sides of the subdivision except where infeasible due to original tract dimensions, topography or existing development patterns.

6. For a development containing only one access, an emergency service access shall be provided and maintained in addition to the primary access, unless a waiver is granted in subsection (a)7 below. The emergency service access shall be available prior to the issuance of the first certificate of occupancy in the development, shall have a clear zone of 20 foot horizontal area and 14 foot vertical area, and shall be stabilized to a limelock bearing ratio of 35. In addition, an emergency service access may be grassed or landscaped with traversable vegetation. The County shall have the right to clear the emergency service access when needed. A gate may be provided when equipped with a system acceptable to the Alachua County Fire/Rescue Department for access by emergency service vehicles.

7. The Development Review Committee may grant a waiver from the requirement for a secondary emergency access in subsection (a)6 above when not feasible due to original tract dimensions, topography, or existing development patterns, provided that a full disclosure statement is placed as a notation on the plat by the applicant, and provided to the initial buyer (and subsequent buyers) informing them that a waiver was granted from the requirement and could potentially prevent the response of fire service, emergency medical service, and emergency management at this location. Buyers shall sign attesting that they understand the impact of this waiver.

8. The layout and types of streets in a development must provide for the continuation or appropriate projection of stub streets and sidewalks to adjacent properties by constructing the improvement as close to the property line as is practicable. Signs shall be posted, at the expense of the developer, advising residents of the intent and purpose of the stubbed street. In addition, where a proposed development abuts an existing development with a stub street, the street system in the proposed development must connect to the existing stub street. The continuation of existing streets shall be designed in such a manner to discourage cut-through traffic through existing or planned development, while providing for convenient movement of traffic, effective fire protection and other public service providers and efficient provision of
utilities. The requirement to extend streets or provide a secondary access may be waived by the reviewing body where the topography, development patterns or other regulated natural features make continuance or conformance to existing streets impractical or undesirable and provision for pedestrian and bicycle interconnectivity between the developments is provided. In the event a waiver is obtained, a cul-de-sac turnaround shall be provided at the end of an existing dead-end street.

9. If street construction is to be phased, appropriate provision for drainage and temporary or permanent turnarounds shall be provided on all temporary dead-end streets.

(b) Layout of Lots and Streets

The ideal street pattern is internally connected and may be in a gridiron, curvilinear, organic, radial or any other style that provides for internal connections and external linkages. Examples of these street network pattern types are shown in Illustration 407.140.1 below:

Illustration 407.140.1: Street Network Design Patterns

1. The arrangement, character and location of all lots and streets in a development shall be designed to make advantageous use of existing and planned streets, topographical conditions, public convenience and safety, and mature trees and other natural physical features. All street layouts shall be designed in compliance with the State of Florida Manual of Uniform Standards for Design, Construction, Maintenance for Streets and Highways or criteria contained in this ULDC, unless an exception to these standards is granted in writing by the County Engineer prior to Preliminary Development Plan approval.

2. Dead-end streets shall not exceed 250 feet in length except where a turnaround or cul-de-sac is provided. In no case, shall a dead-end street or cul-de-sac exceed 1,000 feet in length except for unpaved roads developed in
accordance with §407.75. Turning radii of a cul-de-sac shall reflect the minimum required for 90-degree turns for WB30’ design vehicles.

3. An intersection shall occur on every street a minimum of every 1,000 feet.

4. Street layouts shall provide for intersecting streets at right angles, 90 degrees, but under no circumstances shall streets intersect at less than 75 degrees, unless a roundabout or traffic circle is adequately designed. Street intersections shall be adequately spaced to prevent conflict or mutual interference of traffic flow. Generally, centerline offsets of less than 150 feet shall be prohibited.

5. On streets with designated on-street parking, bulb-outs shall be provided at the street ends. The resulting bulb-out shall be landscaped with a street tree. No parking space shall be located within 50’ of the nearest right-of-way line of a Collector Roadway or 100’ of the nearest right-of-way line of an Arterial Roadway.

6. Appropriate design speeds shall be identified by the applicant’s Engineer and agreed to by the County Engineer in conjunction with the street and layout of the development and shall be in accordance with the Alachua County Corridor Design Manual. The selection of an appropriate design speed shall be based upon a rational prediction of the probable maximum operating speed on the street. The topography, general roadway geometry, surrounding land use, degree of access, use of traffic calming techniques and desired posted speed limits shall be considered.

(c) **Dedication of Future Rights-of-Way**

All developments located adjacent to or along an existing or future alignment of a collector or arterial roadway, as identified on the Future Highway Functional Classification Map adopted by Alachua County, shall provide dedication of right-of-way for the alignment that is roughly proportional to the impact of the development. The County Engineer may waive the dedication requirement, if there is a substitute dedication that would serve the same purpose, if due to the location and layout of the development, there is no public need for a dedication.

(d) **Waiver of Requirement for Dedication of Roads**

The Board of County Commissioners, upon recommendation of the Development Review Committee, may waive the requirement for the dedication of public streets and allow the streets to remain privately maintained upon finding that by reason of its location and anticipated use, the road will not serve a public purpose or provide connectivity to other platted or unplatted lands. However, the street to be privately owned shall be designed and constructed in accordance with the provisions of this Chapter. All streets to be privately owned shall be dedicated to a Property Owners Association or other maintenance entity acceptable to the County for ownership and maintenance.

407.141 **Minimum Design & Construction Standards for Streets and Drainage Systems**

The purpose of this Section is to identify street design and construction standards required as a condition of final development approval.
(a) **Determination of Street Types**

Street types shall be determined on the basis of the number of vehicle trips per day generated by each type of land use contemplated for the development and on the Alachua County Corridor Design Manual. The number of vehicle trips generated shall be calculated based on the 8th Edition Trip Generation Manual published by the Institute of Transportation Engineers, Washington D.C., as incorporated by Rule 14-96.005(4)(a), F.A.C. A trip generation and distribution analysis shall be performed by a transportation professional in accordance with generally accepted engineering practices and shall require approval by the County Engineer. The average daily traffic volumes shall be shown at each approach of every street intersection within the development.

1. The lane width of the proposed streets shall be based upon the projected average daily trips (ADT), land use context and standards outlined in the Alachua County Corridor Design Manual.
2. All streets, whether public or private shall be designed and constructed in accordance with the State of Florida Manual of Uniform Minimum Standards For Design, Construction and Maintenance For Streets and Highways, the “Construction and Inspection Standards of the Public Works Department”, the Alachua County Corridor Design Manual and these regulations. Typical street section drawings may be obtained from the County Engineer.

(b) **Excluded Facilities**

Access ways, alleys and driveways leading to on-site parking in common areas or to individual lots may be excluded from the definition of a street, provided that the following occur:

1. Estimated average daily traffic does not exceed 400 trips at full development for multiple-family or 125 trips for single-family detached lots.
2. Appropriate provisions are made for the private maintenance of these areas.
3. These areas serve only those lots adjacent to the common areas or easements.
4. The maximum distance from the public street road to the most distant lot or parking space in the common area or easement as measured along the centerline of the access way or driveway is no greater than 1,000 feet.
5. Such access ways, alleys, driveways and associated parking areas shall meet the existing off-street parking requirements of Alachua County, as well as criteria established in this Article. The minimum width of pavement for this access shall be ten feet for ADT less than 200 and 16 feet for ADT greater than 200.

(c) **Minimum Street Design Specifications**

1. All streets shall be designed in accordance with the following minimum specifications, as depicted in Table 407.141.1. The Corridor Design manual provides graphical representations of street sections for illustrative purposes only, and in the event of conflict with the text contained in this ULDC, the text shall prevail. The numerous graphics included herein are intended to give clear direction as to the intent of the street cross-section requirements. The graphic images are intended to supplement and clarify the written text. In the event a graphic image conflicts with written text, the written text shall prevail.
2. The Street Design Specifications are typical, and thus may be modified to accommodate special circumstances. Such modifications shall be reviewed and subject to approval by the County Engineer.

3. Alternative street designs may be approved by the County Engineer where the design is found to be consistent with the intent of the zoning district and is found to further the design standards included herein.

(d) Street Surfaces

1. Street surfaces shall be standard Florida DOT approved asphaltic concrete mixes as approved by the County Engineer. Placement of street surfaces shall conform to the Alachua County Public Works Department Construction and Inspection Standards.

2. Other types of construction or materials may be utilized for the surface and base of the roadway, if equal or greater strength requirements are met, and if approved by the County Engineer (i.e. colored concrete; brick pavers).

(e) Pavement Thickness

1. Streets with a projected ADT of less than or equal to 1200 shall have a minimum pavement thickness of one and one-half inches, a minimum base thickness of eight inches, and a minimum twelve inch subgrade with a limerock bearing ratio (LBR) of 40.

2. Streets with a projected ADT between 1201 and 2500 shall have a minimum pavement thickness of two inches of structural asphalt, a minimum base thickness of eight inches, and a minimum twelve inch subgrade with a limerock bearing ratio (LBR) of 40.

3. Streets with a projected ADT between 2501 and 7500 shall have a minimum pavement thickness of two inches of structural asphalt and one inch of friction course, a minimum base thickness of ten inches, and a minimum twelve inch subgrade with a limerock bearing ratio (LBR) of 40. The friction course surface shall be placed 90 days prior to the expiration of the One-year warranty period as outlined in §407.86 of this Code.

4. Streets with a projected ADT greater than 7501 shall have a minimum pavement thickness of two inches of structural asphalt and one and one-half inches of friction course, a minimum base thickness of ten inches, and a minimum twelve inch subgrade with a limerock bearing ratio (LBR) of 40. The friction course surface shall be placed 90 days prior to the expiration of the One-year warranty period as outlined in §407.86 of this Code.

5. The County Engineer has the authority to approve alternate designs meeting the objectives of technical guidelines and regulations upon demonstration by the applicant that result in sufficient design to meet the minimum requirements for that particular scenario.

(f) Roadway Base and Subgrade

1. Roadway base shall be constructed of Ocala limerock, or its equivalent, with a minimum Limerock Bearing Ratio (LBR) of 100 and compacted to 98 percent of maximum density in accordance with AASHTO Method T-180.
2. Roadway subgrade shall be stabilized to a minimum depth of 12 inches and be compacted to 95 percent of maximum density in accordance with AASHTO Method T-180, except arterial and collector streets shall be compacted to 98 percent maximum density.

3. Where soils classified as AASHTO soil groups A-6, A-7 or A-8 are encountered in the subgrade, such materials shall be removed to a minimum depth of 24 inches below the base and replaced with AASHTO soil groups A-1, A-2 or A-3.

4. An additional six inches of limerock meeting the requirements of §407.141(f)1 maybe substituted for twelve inches of subgrade meeting the requirements of §407.141(f)2 provided that the criteria of §407.141(f)3 is met.

(g) Drainage Systems

1. All street classifications may be constructed with a closed (curb and gutter) drainage system. Where a closed drainage system is used, standard curb and gutter (FDOT Type F) shall be constructed. Drop-type (Miami) curb and gutter may only be constructed on streets where profile vertical alignment is less than 3% and the curvature of the centerline alignment is less than 100 feet. The use of Drop-type curb in any other location requires special approval from the County Engineer.

2. All drainage pipe shall have adequate capacity to carry the runoff resulting from a rainfall intensity, which has a return period of once in three years with a minimum time of concentration of ten minutes. The Florida Department of Transportation rainfall intensity curve for Alachua County shall be used.

3. Where storm sewers are used, the maximum length of gutter flow shall be governed by the street grade and inlet capacities. Minimum grade for curb and gutter shall be 0.3%, except in extreme cases where 0.2% may be used; however, 0.5% shall be held insofar as practical.

4. All drainage pipe and culvert material shall be in accordance with current FDOT Standard Specifications for Road and Bridge Construction, latest edition, or as approved by County Engineer. For closed drainage systems, minimum pipe size shall be 15 inches in diameter or equivalent on public roads. For all open drainage systems the minimum pipe size shall be 18 inches in diameter or equivalent.

5. All inlet grates shall be cast iron or steel with minimum size of two square feet net open area.

6. Roadside Swales

Open (roadside swales) drainage systems may be permitted if the following requirements are met; provided, however, that the County Engineer shall have final approval authority for roadside swales.

a. Based on the ten-year, 1 hour storm, the flow velocity shall not exceed three feet per second without paved inverts and the swale flow shall not encroach on the pavement. Roadside swales shall typically have no front slopes steeper than 4:1. Any back slopes greater than 3:1 shall be sodded.

b. Additional right-of-way may be required to meet design conditions for swale section streets.
c. The applicant shall provide supporting hydrologic, soils, topographic and erosion control data deemed necessary by the County Engineer in order to determine whether roadside swales are permissible.

d. Roadside swales shall not be permitted where the estimated wet-season groundwater is within three feet of the final profile of the street. Particular caution shall be used in areas where the soils encountered are predominately of Soil Conservation Service Types 7B, 7C, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 31B, 31C, 32B, 32C, 32D, 34, 44B, 48, 51, 52, 53, 54, 56, 57B, 60 and 61.

e. Documentation of unsaturated vertical infiltration and saturated horizontal soil conductivity estimates/test results and other aquifer characteristics shall be used in the design of a swale stormwater management system and shall be submitted for review and consideration. Following determination of vertical and horizontal infiltration, post hydrologic conditions must be similar to pre-development hydrologic conditions. A minimum of one boring per improvement shall be required to verify infiltration rates.

f. For existing roadside swales that discharge to a stream or open lake basin, the stormwater management system must be designed such that the peak rate of discharge does not exceed the predevelopment peak rate of discharge for storm events up to and including the 25-year critical duration storm. If these criteria cannot be met and it can be demonstrated that no downstream detrimental effects will occur, the county engineer may approve other measures.

g. For existing roadside swales that discharge to a closed depression, the stormwater management system must be designed such that the peak rate of discharge and peak volume discharge does not exceed the predevelopment peak for storm events up to and including the 100 year critical storm. If these criteria cannot be met and it can be demonstrated that no downstream detrimental effects will occur, the County Engineer may approve other measures.

7. The County Engineer, after consultation with the applicant, may require installation of underdrains parallel to and along one or both sides of the paved surface to prevent the free ground water table from rising within 12 inches of the bottom of the base material.

8. Non-paved right-of-way of the streets shall be provided with suitable vegetative cover to prevent erosion; this includes a sod strip along the edge of pavement on swale section streets and sodding between the back of curb and on edges of sidewalks, where sidewalks are provided.

(h) Street Design Specifications

The following table identifies the required specifications for all streets in the County.
## Chapter 407. General Development Standards

### Article 13. Access Management and Street Network Standards

ADOPTED AS ORD. 09-01  
Unified Land Development Code  
Alachua County, Florida

### Table 407.141.1 Street Design Specifications

<table>
<thead>
<tr>
<th>TYPE OF STREET: MAXIMUM DAILY TRIPS</th>
<th>DESIGN SPEED (MPH)</th>
<th>TRAVEL LANE WIDTH (ft)²</th>
<th>ACCESS TYPE</th>
<th>STREET TREES³</th>
<th>CURB AND GUTTER</th>
<th>SIDEWALKS (ft)</th>
<th>MULTI-USE PATH (ft)⁴</th>
<th>MEDIAN (ft)⁵</th>
<th>BIKE LANES/SHOULDER (ft)</th>
<th>ON STREET PARKING (ft)⁶</th>
<th>MINIMUM RIGHT OF WAY (ft)</th>
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<tr>
<td><strong>LOCAL - 2 LANE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Under 250 (Rural/Ag Only)</td>
<td>25</td>
<td>Cartway 18</td>
<td>Direct</td>
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<td>No</td>
<td>5 (Optional)</td>
<td>6 (One Side)</td>
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<td>No</td>
<td>No</td>
<td>50</td>
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<td>Under 250 (Urban Cluster)</td>
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<td>Cartway 18</td>
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<td>Optional</td>
<td>5 (Optional)</td>
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<td>No</td>
<td>7 (Optional One Side)</td>
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<td>Yes</td>
<td>Optional</td>
<td>5 (Optional)</td>
<td>8 (One Side)</td>
<td>No</td>
<td>No</td>
<td>7 (Optional Both Sides)</td>
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<tr>
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<td>10</td>
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<td>Yes</td>
<td>Optional</td>
<td>5 (One side)</td>
<td>8 (One Side)</td>
<td>10 (Optional)</td>
<td>2</td>
<td>7 (Optional Both Sides)</td>
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<tr>
<td>2,500 to 7,500</td>
<td>30</td>
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<td>Limited</td>
<td>Yes</td>
<td>Optional</td>
<td>6 (One side)</td>
<td>8 (One Side)</td>
<td>12</td>
<td>5</td>
<td>8 (Optional with Bulb-outs)</td>
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</tr>
<tr>
<td>7,500 to 15,000</td>
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<td>Optional</td>
<td>NA</td>
<td>8 (Both Sides)</td>
<td>16</td>
<td>6</td>
<td>8 (Optional)</td>
<td>90</td>
</tr>
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<td><strong>LOCAL - 4 LANE</strong></td>
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<tr>
<td>15,000 to 30,000</td>
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<td>NA</td>
<td>8 (Both Sides)</td>
<td>22</td>
<td>5</td>
<td>8 (Optional)</td>
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¹ Flexibility in design and less ROW required for developments that provide innovative plans that calm traffic, reduce impervious surface, provide safe and convenient travel for all modes of transportation, and desire to preserve existing natural features and tree canopy. The design of one way streets and streets featuring dedicated transit lanes shall be reviewed on a case by case basis. The table above does not preclude the development of one way streets. One way streets shall have a pavement width between 12 and 16 feet.

² For roadways under 2,500 ADT, any lane widths that are proposed greater than the minimum shall be accompanied by mitigating traffic calming measures placed at least every 600 feet. Traditional Neighborhood Developments (TND), Transit Oriented Developments (TOD) and Activity Centers shall not have travel lane widths greater than that shown in the table above.

³ Street trees are required in the road Right of Way wherever there is an adjacent sidewalk and/or multiuse path per this table. If the required pedestrian facility is removed from within the roadway Right of Way to an alternative location as provided for in this table then existing canopy trees maintained within 20 feet of the edge of the roadway pavement and protected through appropriate covenants and restrictions may be credited as a street tree in the calculation found in section 407.43(d)2. In all cases pedestrian facilities shall have the plantings required per section 407.43(d)1. Planting area determined by tree species per ULDC Table 407.50.1. Minimum planting strip without tree is 4 feet.

⁴ Multi-use paths shall be constructed parallel to and up to 300 feet from the roadway in an open space or common area and shall conform to the standards in Section 407.140.

⁵ All medians shall be landscaped.

⁶ Unstriped onstreet parking shall be allowed on roadways less than 1,200 ADT. If unstriped onstreet parking is proposed it shall be accompanied by mitigating traffic calming measures located at least every 600 feet. On roadways greater than 250 ADT, onstreet parking is required for TNDs, TODs, Multifamily and Activity Centers. Provision of onstreet parking shall be adequate to serve the proposed intensity of development in order that the required clearances for public safety vehicles are maintained. For roadways of 2,500 ADT or more, onstreet parking is allowed via angled or parallel parking spaces in conjunction with landscaped traffic separators.

Alleys to be designed on a case by case basis.
### COLLECTOR - 2 LANE

<table>
<thead>
<tr>
<th>Category</th>
<th>Speed Limit</th>
<th>Lane Number</th>
<th>Limited</th>
<th>Required</th>
<th>Type</th>
<th>Side</th>
<th>Minimum Width</th>
<th>Maximum Width</th>
<th>Length (Optional)</th>
<th>Length (Optional)</th>
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<tr>
<td>Under 20,000 - Urban</td>
<td>40</td>
<td>11</td>
<td>Limited</td>
<td>Yes</td>
<td>Required</td>
<td>6 (one side)</td>
<td>8 (One Side)</td>
<td>12 to 16 (Optional)</td>
<td>5</td>
<td>8 (Optional)</td>
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<tr>
<td>Under 20,000 - Rural</td>
<td>55</td>
<td>12</td>
<td>Limited</td>
<td>Yes</td>
<td>No</td>
<td>6 (one side)</td>
<td>8 (One Side)</td>
<td>12 to 16 (Optional)</td>
<td>6</td>
<td>7 (Optional)</td>
</tr>
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</table>

### COLLECTOR - 4 LANE

<table>
<thead>
<tr>
<th>Category</th>
<th>Speed Limit</th>
<th>Lane Number</th>
<th>Limited</th>
<th>Required</th>
<th>Type</th>
<th>Side</th>
<th>Minimum Width</th>
<th>Maximum Width</th>
<th>Length (Optional)</th>
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<tr>
<td>20,000 to 40,000 - Urban</td>
<td>45</td>
<td>11</td>
<td>Limited</td>
<td>Yes</td>
<td>Required</td>
<td>6 (one side)</td>
<td>8 (One Side)</td>
<td>22</td>
<td>5</td>
<td>7 (Optional)</td>
</tr>
<tr>
<td>20,000 to 40,000 - Rural</td>
<td>60</td>
<td>12</td>
<td>Limited</td>
<td>Yes</td>
<td>No</td>
<td>6 (one side)</td>
<td>8 (One Side)</td>
<td>22</td>
<td>6</td>
<td>7 (Optional)</td>
</tr>
</tbody>
</table>
(i) **Intersection Design**

The design of intersections shall balance the needs of all street users, including pedestrians and bicyclists. Safe pedestrian crossings shall be included on every arterial and collector. The following design features are required as applicable:

1. **Dedicated Turning Lanes**
   a. On street types with medians, the median shall be narrowed to allow the left-turn lane without disrupting on-street parking and bulb-outs.
   b. On street types without medians and with on-street parking, on-street parking shall cease a safe distance from the intersection, and travel lanes shall shift to allow for a dedicated left-turn lane.

2. **Bulb-outs**: Bulb-outs are curb extensions at intersections that reduce roadway width curb to curb, depicted in Illustration 407.141.2. Bulb-outs are encouraged where possible. At a safe distance from the intersection, on-street parking shall cease and the curb shall be extended to the travel lane.

![Illustration 407.141.2: Intersection Design](image)

3. **Medians**: On street types with medians, a 10-foot median is permitted at intersections after a left-turn lane has been provided. Construction and landscaping of these medians shall provide a mid-intersection pedestrian refuge.

4. **Roundabouts**: A roundabout is a raised circular structure constructed at a three-way or four-way intersection, depicted in Illustration 407.141.2. Urban single lane roundabouts may be installed in all areas; mini-roundabouts may be constructed on local roads and local roads with parking only. Roundabout design shall comply with state and federal design guidelines such as the Florida Roundabout Guide and the Federal Highway Administration’s ‘Roundabouts: An Informational Guide’ and shall meet the following minimum standards.
   a. Urban single lane roundabouts on collector and arterial roads shall be designed to accommodate a WB-50 class vehicle in the travel lane. Urban single lane roundabouts on all other road types shall be designed to accommodate a WB-40 class vehicle in the travel lane. Truck aprons
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shall be provided to accommodate the next highest class vehicle. (WB-40 and WB-50 refer to the American Association of State Highway and Transportation Officials (AASHTO) vehicle classification schemes.) Turning vehicle template drawings shall be submitted as verification that design vehicles are accommodated. Electronic CAD files shall also be submitted.

b. A roundabout justification study and operational analysis per the Florida Roundabout Guide and Florida Department of Transportation’s Manual on Uniform Traffic Studies (MUTS) shall be provided for all roundabouts proposed for collector roads or higher. The study shall compare the roundabout to a stop-controlled and signalized intersection. The study shall show that the proposed roundabout operates at an acceptable Level of Service over at least a 20-year lifespan.

c. Raised splitter islands shall be provided on all approaches to the roundabout in order to channelize traffic and provided deflection.

d. On roads with sidewalks, pedestrian crossings shall be provided at the roundabout on each approach where a sidewalk exists. A 6-foot by 6-foot pedestrian refuge shall be provided in the splitter island.

e. Pedestrian crossings shall be located at least 20-feet back from the yield line to provide storage room for vehicles entering and leaving the roundabout.

f. On roads with an on-street bike lane, a ramp shall be provided ahead of the roundabout to allow bicyclists access to the sidewalk.

g. An appropriate combination of street lighting and landscape lighting shall be provided to light all approaches and the center island. At a minimum, one street light shall be provided on each approach to the intersection.

h. Mini-roundabouts shall be designed to accommodate an S-BUS-36 (Standard for School Bus) within the travel lane. A fully traversable central island may be used to accommodate larger vehicles.

i. All roundabouts shall be signed and marked in accordance with the latest MUTCD.

5. **Signals:** When a signal is proposed a detailed traffic study shall be submitted with the preliminary development plan approval. The traffic study shall include:

a. A signal warrant analysis per the MUTCD and MUTS; and

b. A roundabout justification per the Florida Roundabout Guide and MUTS; and

c. A comparison of the two intersection types on the basis of capacity, multi-modal considerations, safety and long-term maintenance; and

d. An operational analysis based on designs that operate at an acceptable Level of Service over at least a 20-year lifespan.

(j) **Traffic Calming**

Traffic calming measures described in Illustration 407.141.3 may be used to modify vehicle speeds and other driver behavior. An asterisk (*) means that the device is
permitted, while a blank cell means that the device is not permitted. Other traffic calming devices may also be used subject to approval of the County Engineer.

1. The choice, design and installation of traffic calming measures on any collector or arterial road shall be balanced with its regional vehicle traffic-carrying role.

2. The planning and installation of traffic calming measures shall respect the presence of driveways.

Illustration 407.141.3: Traffic Calming

<table>
<thead>
<tr>
<th>Traffic Calming Measures</th>
<th>Arterial</th>
<th>Collector</th>
<th>Main Street</th>
<th>Road Lane w/Parking</th>
<th>Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-Block Bulb-Outs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Mid-block bulb-outs reduce the width of the roadway for a mid-block section. They shorten crossing distances for pedestrians and draw attention to pedestrians via raised peninsulas. Bulb-outs can be built within the marked on-street parking area or on residential roadways over 20 feet in width.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Restriping</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Street can be restriped to narrow the lanes to the minimum allowable width for that classification. The excess space can be used to create bike lanes or marked on-street parking on one or both sides. Bicycle lanes shall be 4 feet wide minimum, and on-street parking shall be 7 feet wide minimum. The parking can be staggered to create a weaving path on the roadway, further informing drivers that caution should be used in the neighborhood.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gateways</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Gateways appear to narrow the street, and also serve as highly visible entryways into neighborhoods. Gateway features can also double as transit waiting areas.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chicanes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>A chicane changes the physical characteristics of a roadway section from an existing straight alignment to a series of horizontal curves. Trees can be planted in the slow point to restrict the driver’s vision down the street, creating the feeling of a “closed” street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Traffic Calming Measures

<table>
<thead>
<tr>
<th>Pavement Sharing</th>
<th>Mid-Block Yield Point</th>
<th>Unmarked On-Street Parking</th>
<th>Brick Pavement</th>
<th>Raised Intersections</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The mid-block single-lane yield point reduces the street width to a single lane for a short section at some point between intersections. A variety of designs are possible for the remaining single lane of traffic: centered on the existing street, offset to one side or aligned in a curve from one side of the street to the other.</td>
<td>Allowing on-street parking on streets without designated on-street parking areas will create a series of single-lane yield points wherever parked cars are present. This “informal” single-lane yield point occurs when the street width is narrow enough to prevent simultaneous passing of two moving vehicles past a parked vehicle. For streets up to 30 feet in width, allowing parking on both sides of the street is necessary to create a yield point.</td>
<td>Brick streets are also an effective traffic calming measure. The advantages of a brick street are that it is aesthetically pleasing and it calms traffic better as it ages as the surface wears out. Installation costs are higher than those for asphalt roadways, but long-term maintenance costs are lower. However, brick pavement can be loud.</td>
<td>Raised intersections slow cars down throughout an entire intersection, providing an extra level of safety for pedestrians crossing an intersection. This improvement may be most appropriate for commercial areas where both vehicular and pedestrian traffic volumes are high. Textured pavement can also be part of this improvement.</td>
</tr>
</tbody>
</table>

#### 407.142 Minimum Design and Construction Standards for Pedestrian Networks

The purpose of this Section is to identify pedestrian access design and construction standards.

##### (a) Pedestrian Network Standards

1. A sidewalk or a multi-use path shall be provided along the entire property frontage with all external streets within the Urban Cluster. The specific facility type provided shall correspond to the adopted Capital Improvements Element. If no specific facility type is specified in the Capital Improvements Element, the default facility shall be a five foot (5’) sidewalk along local streets and an eight foot (8’) along collectors and arterials. The width of the multi-use path may be decreased to five feet (5’) where existing environmental, topographic, right-of-way and utility constraints exist. A multiuse path shall run roughly parallel and within 300 feet of the street right of way. Multiuse paths and sidewalks may be provided within a public use easement.
2. Each development shall include a pedestrian network that shall provide direct pedestrian and bicycle pathways between other developments and within the development, and subsequent phases of the development, and adjacent neighborhood type uses such as public and private schools, parks, activity centers and other recreational areas.

3. The pedestrian network shall be in a connected block pattern throughout the development. Intersections of pedestrian facilities shall occur on every pedestrian facility at least every 600 feet.

4. The following elements qualify as a pedestrian facility and may form a side of a block: Continuous sidewalks along roadways, alley less than or equal to 500’ in length, pass-throughs located at mid-block locations or at cul-de-sac heads, boardwalks and multi-use trails.

5. The following elements do not qualify as pedestrian facilities and may not form a side of a block: Recreational or Open Space without a designated pedestrian or multi-use path, alleys greater than 500 feet in length and trails, sidewalks and boardwalks that dead-end.

6. Pedestrian network standards may be modified where the DRC finds that the following circumstances exist: continuation of the pedestrian network at a particular location would require encroachment on regulated natural features; boardwalks for such crossings not practicable or not consistent with protection of the resource; and other available alternatives would have undue and avoidable impacts on wetlands, or native habitat, or other regulated natural features.

7. Multi-use paths and sidewalks shall be located at the back of the right-of-way. Multi-use paths and sidewalks shall be located behind existing or planned vegetation. Where existing vegetation is located at the back of the right-of-way, the multi-use path or sidewalk should be located in either additional right-of-way or an easement. The multi-use path or sidewalk may be located closer to the roadways due to environmental, topographical, utility or right-of-way constraints or where the County Engineer deems safety issues exist.

(b) Sidewalks

1. Sidewalks shall be constructed to a minimum width as shown in Table 407.141.1, four inches in thickness, and constructed of a minimum 2,500 psi concrete. An alternative may be substituted if approved by the County Engineer.

2. Sidewalks shall be designed to comply with the Americans with Disabilities Act and Florida Accessibility Code standards.

3. When pedestrian crossings are provided at mid-block locations, raised crosswalks (or other traffic-calming measure(s) identified in §407.141(j) shall be located at all points where the pedestrian crossing traverses the lane of vehicle travel. When pedestrian crossings are provided at intersection locations, the requirements in Intersection Design and Traffic Calming, as outlined in §407.141(j), shall be followed.

4. In special areas designed as permanent or occasional plaza areas, curbs between on-street parking and sidewalk are optional.
5. Sidewalks are required along both sides of internal streets within Activity Centers and shall conform to the following minimum standards: Single family attached/multifamily/nonresidential excluding commercial (8’ sidewalks), Commercial/mixed use (10’ sidewalks). Single family detached shall provide either 6’ sidewalks or a 10’ multiuse path if the front of the homes are oriented to the path. Sidewalk widths shall be clear of any obstructions.

(c) Multi-Use Paths

Multi-use paths shall be constructed parallel to and up to 300 feet from the roadway in an open space or common area. A multi-use path may satisfy the pedestrian facility requirement for two parallel roadway facilities. Multi-use paths are intended to provide safe and convenient bicycle and pedestrian transportation to major attractors within a development and between developments. Multiuse paths can be placed behind homes or homes can be oriented to front multiuse paths. Appropriate access management, site distance and intersection treatments must be used wherever a multiuse path crosses an intersecting driveway or street. Development plans shall be designed to provide for safe pedestrian and bicycle circulation. The County Engineer may require deviations from this requirement due to public safety concerns. In no instance shall a pedestrian facility be eliminated entirely from a street corridor. Multi-use Paths shall conform to the following standards.

1. Vehicle/Path Separation

Where multi-use paths are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway or street by a 5-foot minimum strip within bollards, a landscape berm or other physical barrier. If a raised path is used, the ends of raised portions shall be equipped with curb ramps.

2. Housing and Path Separation

Multi-use paths shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the path edge to the closest dwelling unit.

3. Crosswalks

Where paths cross a parking area, driveway or street (“crosswalk”), they shall be clearly marked with contrasting paving material, humps, raised crossing or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application. Neighborhood streets do not require crosswalk striping except when the street width is greater than 36 feet or at the intersection of roadways that have AADTs greater than 1200.

4. Path Surface

Path surfaces shall be concrete, asphalt, brick/masonry pavers or other durable surfaces, and shall comply with the Americans with Disabilities Act (ADA) requirements. Multi-use paths shall be constructed to a minimum width as shown in Table 407.141.1 and with a surface of 1 inch in thickness and constructed with SP 9.5 asphaltic concrete and 4” limerock base with LBR 100 and 98% maximum density using modified proctor and 6” stabilized.
subgrade with LBR 30 and 98% maximum density using modified Proctor. An alternative may be substituted if approved by the County Engineer.

**Illustration 407.142.1 Multiuse Paths Examples**

- Multiuse path parallel to streets
- Multiuse path behind homes
Article 14 Outdoor Lighting

407.143 Intent
It is the intent of Article to:

(a) provide for adequate outdoor lighting for safety and security;
(b) prevent inappropriate, poorly designed or installed outdoor lighting; and
(c) minimize the impact of light trespass from one property onto the next by establishing standards for outdoor lighting.

407.144 Applicability
The provisions of this Article are applicable to all outdoor lighting for development and redevelopment in Alachua County. All development that requires the submittal of a development plan shall demonstrate compliance with the provisions of this Article.

407.145 Exemptions
The following outdoor lighting is exempt from the requirements of this Article:

(a) lighting for signs that is allowed in Chapter 407, Article 3, Signs;
(b) light fixtures for single-family homes mounted greater than three feet above grade that generate less than 2,250 lumens;
(c) seasonal displays and landscape ornamental lighting;
(d) lighting that is installed as a requirement of any public safety agency for the purposes of traffic control;
(e) lighting that is installed as a requirement of federal or state regulations for airports;

407.146 Prohibitions
No person shall install any of the following types of outdoor lighting:

(a) Mercury vapor lamps;
(b) Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except temporary seasonal displays, lighting for public safety or required for air traffic safety;
(c) Any light fixture that may be confused with or construed as a traffic control device;
(d) Any fixture oriented such that light is emitted at an angle more than 85 degrees from nadir;
(e) Searchlights, beacons, and laser source light fixtures;
(f) Any lamp or bulb that is visible beyond the property line on which it is located., except as provided in §407.145 or as provided for in this Article.

407.147 Photometric Plan Required
A photometric plan is a required element of development plans for all commercial, industrial, institutional, and multi-family residential developments. Where a single-family subdivision proposes non-residential facilities, such as community centers or parks, a photometric plan shall be included for those areas. Photometric plans shall include the following:

(a) Maintained light levels to at least 30 feet on each side of property lines or project boundaries;
(b) Data points calculated on no greater than a ten foot by ten foot grid;
Chapter 407. General Development Standards

Article 14. Outdoor Lighting

(c) Fixture location, mounting height, and pole height for each fixture location; and
(d) Fixture catalog numbers and manufacturer’s cut sheets for the specified fixtures.

407.148 Lighting Standards

(a) General

1. All lighting, regardless of location, shall be designed to prevent direct glare, light spillage and hazardous interference with automotive, bicycle and pedestrian traffic on adjacent streets and properties.

2. Except as may be allowed below, all acceptable outdoor luminaries shall employ IESNA “semicutoff”, “cutoff” or “full cutoff” light distribution designations and shall be either partially shielded fixtures or fully shielded fixtures to reduce glare or spillage.

3. Any deviation(s) from these standards shall be noted at the time of final development plan review along with a statement explaining the purpose of and reason for the deviation(s). The DRC shall make a determination whether to accept such deviation(s).

(b) Parking Areas

1. Where lighting is to be provided for a parking area, it shall be designed to provide safe, convenient and efficient ingress and egress for pedestrians and vehicles. Lighting shall be designed such that light levels and uniformity ratios are in compliance with the minimum standards proscribed by the Illuminating Engineering Society of North America (IESNA).

2. Lighting design shall be consistent and coordinated for the entire site.

3. Mounting heights for exterior luminaries shall not exceed 35 feet in height within a parking lot and 18 feet within adjacent non-vehicular pedestrian areas (with the height being measured from the finished grade to the bottom of the luminous opening of the luminary).

4. Maximum maintained illumination levels measured at finished grade on adjoining property within 25 feet of the property line of the project in question shall be no more than 1.0 footcandles (fc) if the adjoining property is zoned non-residential and no more than 0.5 fc when the adjoining property is zoned residential or agriculture or is an existing residential use within 100 feet of the property line.

(c) Pedestrian Use Areas

1. Where lighting is to be provided for a pedestrian use area, it shall be designed to provide safe use of the area by pedestrians. Lighting shall be designed such that light levels and uniformity ratios are in compliance with the minimum standards proscribed by the Illuminating Engineering Society of North America (IESNA).

2. Pedestrian scale lighting design shall be consistent and coordinated for the entire site.

3. Mounting heights for exterior luminaries shall not exceed 15 feet within pedestrian use areas (with the height being measured from the finished grade to the bottom of the luminous opening of the luminary).
4. Maximum maintained illumination levels measured at finished grade on adjoining property at the property line of the project in question shall be no more than 0.5 footcandles (fc).

(d) Athletic Fields

1. Where lighting is to be provided for athletic fields, it shall be designed to provide the minimum lighting necessary for safe activity on the fields. Lighting shall be designed such that light levels and uniformity ratios are in compliance with the minimum standards proscribed by the Illuminating Engineering Society of North America (IESNA).

2. Mounting heights for exterior luminaries that are located within 100 feet of the property line shall not exceed the maximum building height allowed within the adjacent zoning district (with the height being measured from the finished grade to the bottom of the luminous opening of the luminary) and shall be aimed to point away from the property line.

3. Exterior luminaries located more than 100 feet from the property line shall be designed such that maximum modeled initial measured candela value from any luminaire measured at 5 feet above grade at the property line shall not exceed 12,000 candela.

4. Maximum maintained illumination levels measured at finished grade at the property line of the project in question shall be no more than 1.0 fc if the adjoining property is zoned for non-residential use and no more than 0.5 fc when the adjoining property is zoned residential or there is an existing residential use within 100 feet of the property line.

5. Acceptable outdoor luminaries shall be designed to reduce glare or spillage onto adjacent properties and to the open sky. The unique necessity of lighting athletic fields requires the allowance of fixtures that may not have a “cutoff” designation or be shielded. However, lighting solutions provided for athletic fields shall be required to meet the other standards of this section.

6. Scoreboards or timer clocks that are separately illuminated shall be oriented such that, in the case of externally illuminated boards, the illumination source is pointed away from the closest adjacent property line, or, in the case of internally illuminated boards, the illuminate face is oriented away from the closest adjacent property line.
Article 15 Redevelopment

407.149 Purpose
It is the intent of this article to provide for orderly and efficient redevelopment of properties within the Urban Cluster in order to promote efficient use of land, provide flexibility in design, promote walkable communities, and to discourage greenfield development and sprawl.

407.150 Applicability
For the purpose of this article, redevelopment means any construction or improvement performed on sites where the existing site’s impervious area exceeds 40 percent.

407.151 Flexible Design Standards
All development shall meet applicable requirements of the Unified Land Development Code. However, recognizing the difficulty in redeveloping sites the Board of County Commissioners may consider deviations from certain development standards, such as buffers, landscaping, and stormwater, as may be necessary to promote redevelopment. Applicants shall provide a Final Redevelopment Plan with a description of the deviation requested and a justification that explains why the current standards is not feasible based on the conditions of the site. Any requested deviations will be evaluated by staff and described in the staff report and presented with justification as a recommendation to the Board of County Commissioners. The BoCC shall make a finding that the deviation is the minimal possible and that approval of such deviation generally meets the intent of the ULDC and would not hinder the public health, safety and general welfare of the residents and property owners of Alachua County. When no deviations are requested, a Final Development Plan shall be submitted for review by the Development Review Committee.
Article 16  Cottage Neighborhoods

407.152  Purpose

Cottage Neighborhoods are intended to:

(a) Provide opportunities for creative, diverse and high quality infill development within the Urban Cluster.

(b) Promote a variety of housing types and sizes available within the community to meet the needs of a population diverse in age, income, and household composition.

(c) Provide for more efficient use of land.

(d) Encourage the creation of more usable open space for residents of the development.

(e) Maximize resident and pedestrian oriented outdoor spaces while minimizing the impact of automobile traffic and parking.

407.153  Applicability

Cottage Neighborhoods are allowed as a limited use within Urban Residential land use designations subject to the following standards.

407.154  General Requirements

(a)  Cottage Homes

A Cottage Home is a principal residential dwelling constructed within a neighborhood built consistent with the standards in this Article. The homes may be located on individually platted lots or on a common ownership lot that is not platted and may be located within single unit, duplex or triplex buildings.

(b)  Size of Neighborhood

Cottage neighborhoods shall be on lots a minimum of one acre in size. A minimum of four (4) homes and a maximum of fifteen (15) homes are allowed around any common green in a Cottage Neighborhood. Cottage Neighborhoods may also be incorporated within larger subdivisions of land developed consistent with Article 8 of this Chapter.

(c)  Common Buildings

One community building per neighborhood is allowed. Community buildings may contain, but are not limited to, a club house, a common dining area, kitchen, bathroom, laundry facilities, one sleeping quarters for guests and/or storage. The maximum size of a community building is 2,500 square feet.

(d)  Density

Per Policy 1.8.3 of the Future Land Use Element, Cottage Neighborhoods may develop at two times the maximum units per acre of the zoning district designation.
(e) **Access**

Cottage Neighborhoods must have direct access to a paved, publicly maintained street. Private roads, drives or alleys within the Neighborhood that are connected to a public street and access either the individual homes or common parking lots are allowed consistent with Section 407.141(b) multi-family requirements. All private road, drives or alleys shall have a clear width of 20 feet.

(f) **Emergency Access**

For neighborhoods with common parking areas, stabilized access shall be provided such that the farthest distance from a structure to the stabilized surface is 150 feet. The stabilized access shall be a minimum of 10 ft. wide and have a clear width of 20 ft.

(g) **Setbacks**

All zoning district setbacks shall be applicable from the property boundaries and not from internal individual platted lots. Required buffers may be located within the setback.

(h) **Project Boundary Buffers**

A 15 foot wide low density buffer, consistent with Section 407.43, shall be required along property lines adjacent to existing platted subdivisions or lots in excess of 6,000 square feet with an existing single family residence.

(i) **Landscaping**

Landscaping shall be consistent with Section 407.43.1 Required Tree Plantings and Landscaping of this Chapter.

(j) **Open Space**

Open Space shall be provided per Article 5, Open Space, of this Chapter.

(k) **Stormwater**

Stormwater management provision shall be consistent with Article 9, Stormwater Management of this Chapter.

(l) **Maintenance of Open Space, Common Areas and Utilities**

The applicant shall ensure that joint use and maintenance of public open space, community facilities, private roads and drives, and all other commonly owned and operated property is guaranteed through a maintenance plan, covenants, deeds and/or homeowners’ association by-laws.

407.155 **Design**

(a) **Common Green**

Each Cottage Neighborhood shall have a Common Green. The Common Green may be counted toward the 20% Open Space required consistent with Section 407.54, Secondary Open Spaces, of this Chapter. The Common Green shall be designed to meet the following:

1. The Common Green shall include at least 400 square feet per unit
2. The Common Green shall be centrally located within the development.
3. The Common Green may include stormwater management facilities incorporating low impact development designs or facilities that are designed to meet the open space requirements found in Section 407.56 of this Chapter as long as a minimum of 400 square feet per dwelling unit is usable by the residents for active or passive recreation.

4. Amenities such as community gardens, benches, and pavilions are allowed in the common green

(b) Porches

All homes shall include at least one (1) open air covered porch. The porch shall be oriented toward the common green. Porches shall be a minimum of 70 square feet. The minimum square footage may be reduced to 60 square feet on Cottage Homes less than six hundred (600) total gross square of conditioned space.

(c) Parking

Parking may be provided in a common lot or a common garage. Parking may alternately be co-located with the cottages when accessed by drive aisles. All parking must meet the following standards:

1. A minimum of 1.5 spaces per unit shall be provided.
2. All common parking areas and associated drive aisles adjacent to neighboring residential property must be screened in addition to the required low density buffer.

(d) Pedestrian Access

A system of interior walkways shall be provided to connect all homes with each other, the parking areas, the open space and any sidewalks along the public street(s) bordering the Cottage Neighborhood. Interior walkways shall meet applicable ADA accessibility requirements.

(e) Fencing

Fencing within the development is limited to a maximum of 50% opacity and no greater than four (4) feet in height may be used to delineate private yards, gardens or other areas. Solid fencing may be allowed along external borders not bordering streets.
Chapter 408 Nonconformities

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Article 1 General

408.01 Scope
The regulations of this Article govern uses, structures, lots, signs and other situations that came into existence legally but that do not conform to one or more requirements of this unified land development code. These are referred to in this code as “nonconformities.”

408.02 General Policy
In order to encourage development consistent with this Unified Land Development Code and provide owners with reasonable use of their land, it is the general policy of the County to allow uses, structures, signs, lots and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible in a manner consistent with the Comprehensive Plan.

408.03 Intent
The regulations of this Article are intended to:

(a) recognize the interests of owners in continuing to use their property;
(b) promote reuse, rehabilitation and redevelopment of existing buildings and sites; and
(c) prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

408.04 Authority to Continue
Any nonconformity that existed on January 30, 2006, or that becomes nonconforming upon the adoption of any amendment to this ULDC, may be continued in accordance with the provisions of this Article.

408.05 Determination of Nonconformity Status
The burden of proving that a nonconformity exists rests with the subject owner.

408.06 Repairs and Maintenance

(a) Incidental repairs and normal maintenance necessary to keep a nonconforming structure in sound condition are permitted unless such repairs are otherwise expressly prohibited by this ULDC.

(b) Nothing in this Article will be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.
Chapter 408. Nonconformities

Article 1. General

408.07 Change of Tenancy or Ownership
Nonconformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

408.08 Change in Permitted Uses Under Previous Zoning Regulations
A use permitted by temporary use permit, or a use permitted by special use permit or special exception under previous zoning regulations; and which is a permitted use under the current ULDC shall be allowed to continue, extend, enlarge, expand, rebuild, or repair consistent with the requirements of the current ULDC, subject to voluntary termination of the previous approval in accordance with §402.126.5 of this ULDC. So long as the existing permit remains valid, the use may continue, extend, enlarge, expand, rebuild, or repair consistent with the conditions of the existing development order.
Article 2  Nonconforming Structures

408.09  Nonconforming Structures

(a)  Definition
A nonconforming structure is any building or structure, other than a sign, that was legally established but no longer complies with the standards of this ULDC. Nonconforming structures may remain, subject to the regulations of this Section.

(b)  Structural Alterations
1. Structural alterations are permitted if the structural alteration does not increase the extent of nonconformity.
2. When a structure is nonconforming because it encroaches into a required zoning district setback, this provision will be interpreted as allowing other portions of the structure to be expanded into the same setback area as long as there is no greater encroachment into a required setback than has already occurred with the existing structure.

(c)  Moving
A nonconforming structure may be moved in whole or in part to another location on the subject parcel only if the movement or relocation decreases or eliminates the nonconformity.

408.10  Loss of Nonconforming Structure Status
When a building or structure does not conform to the provisions of this ULDC and is damaged to the extent of more than two-thirds of its fair market value immediately prior to the time of destruction, as determined by the Property Appraiser of Alachua County, Florida, it may not be restored except in conformity with the regulations of the applicable zoning district. This provision does not apply to single-family dwellings.
Article 3 Nonconforming Uses

408.11 Definition
A nonconforming use is any use of a structure or use of land that is not a permitted use in the zoning district or Comprehensive Plan land use designation in which the structure or parcel of land is located, but was legally established by permit or required no permit at the time it was established.

408.12 Nonconforming Use of Structures
(a) The use of any building or structure not in conformance with the current regulations pertaining to permitted uses in the zoning district or the adopted Comprehensive Plan land use designation shall not be:

1. Changed to another nonconforming use except where it is determined by the Board of County Commissioners in accordance with the review process identified in Chapter 402, Article 13, Rezoning, that:
   a. the design, construction, and character of the building is unsuitable for uses permitted in the district in which such nonconforming use is situated;
   b. it is further determined that the proposed nonconforming use, including its customary accessory uses, is equally or more appropriate to the district than the existing nonconforming use; and
   c. that the relation of the structure to the surrounding properties is such that adverse effects on occupants of neighboring properties will not be greater than if the existing nonconforming use is continued.

2. Extended, enlarged, or expanded; unless under one of the following exceptions:
   a. Structural alterations to single family residences shall be permitted if the cost of the structural alteration does not exceed 50% of the market value of the structure.
   b. Existing lawful nonconforming manufactured or mobile homes placed and maintained on a lot or parcel and deemed to be a legal use as a permanent residence prior to September 28, 1992, which are no longer a permitted use under the current zoning regulations. If the nonconforming use is discontinued for more than 180 days, the use of the property thereafter shall be used in conformity with all provisions of current zoning regulations. An existing lawful nonconforming manufactured/mobile home may be repaired, rebuilt, or replaced only in accordance with the following requirements:
      i. The repaired, rebuilt, or replaced manufactured or mobile home meets the requirements and limitations in Chapter 404; and
      ii. The Zoning Administrator determines that:
(a) The replacement mobile home or manufactured home is newer than the unit being replaced;

(b) The condition of the replacement mobile home or manufactured home is as good as or better than the condition of the unit being replaced; and

(c) The replacement of the mobile home or manufactured home is compatible with surrounding residential development and does not increase the extent of the existing nonconformity.

(b) Burden of Proof

The burden of demonstrating compliance with these requirements shall rest with the applicant. In permitting such change, appropriate conditions and safeguards in accordance with the intent and purpose of these regulations may be imposed by the Board of County Commissioners.

408.13 Loss of Nonconforming Use Status

(a) Once a nonconforming use is abandoned, the use’s nonconforming status is lost and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:

1. the intent of the owner to discontinue the use is apparent;

2. the use has been discontinued for a period of 18 months or more;

3. a demolition permit has been applied for;

4. the characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;

5. the nonconforming use has been replaced by a conforming use; or

6. a building permit to reconstruct a damaged nonconforming use has not been secured within 12 months of the date of occurrence of such damage or construction has not been diligently pursued.

(b) When a building or structure, the use of which does not conform to the provisions of this unified land development code, is damaged to the extent of more than two-thirds of its fair market value immediately prior to the time of destruction, as determined by the Property Appraiser of Alachua County, Florida, the use may not be restored except in conformity with the regulations of the applicable zoning district. This provision does not apply to single-family dwellings.

408.14 Discontinuance of Nonconforming Uses of Land

Nonconforming uses of land, not contained within principal buildings and any open use of land that becomes nonconforming because of subsequent amendments to this ULDC, including but not limited to open storage; building supplies; vehicle, implement and machinery storage, either on the same lot or on another lot with a plant, factory or sales facility; junkyards; kennels; commercial dairies that did not exist prior to October 2, 1991; commercial animal raising and similar uses shall comply with this ULDC or be discontinued on or before 18 months following notice by certified mail by the County unless that time period for conformance or extension is extended by the Board of County Commissioners. Prior to the conclusion of 18 months following notice of
nonconformance by the County, a property owner may submit an application for an extended time period for conformance or discontinuance of a nonconforming open use of land in accordance with Chapter 2, Article 2, Common Development Application Elements. At a properly noticed public hearing, the Board of County Commissioners shall consider the following as part of its decision to approve or deny an application for an extended time period for conformance or discontinuance of a nonconforming use, and, if approved, its decision of how long to extend the time period:

(a) To what extent the nonconforming use adversely affects the health, safety and welfare of the public, and

(b) Whether and to what extent, before the use became nonconforming, the owner made a substantial change in position or incurred extensive obligations and expenses that cannot be mitigated or recovered on or before 18 months following notice of nonconformance by the County.

The Board of County Commissioners may require that satisfactory provisions be made to reduce noise, glare or odor effects on surrounding properties as a condition of granting an extension of the time period for conformance or discontinuance. These provisions may include, but are not limited to, increased setbacks from the property lines, additional screening or buffering from neighboring properties, and limited hours of operation. If a property owner or other lawful occupant of a property for which the Board of County Commissioners has approved a time period extension, fails to comply with the conditional provisions of the approval, the Board may, at a properly noticed public hearing, revoke the time period extension. Nothing in this provision prevents the Board of County Commissioners from requiring the immediate conformance or discontinuance of a nonconforming use if it determines a particular use to be an imminent and substantial threat or nuisance to the health, safety, and welfare of the public.

408.15 Accessory Uses and Structures

A use accessory to a principal nonconforming use or structure may not be continued after the principal use or structure has lost its nonconforming status or been discontinued.
Chapter 408. Nonconformities

Article 4. Nonconforming Lots

408.16 Nonconforming Lots

(a) Merger

Where two or more contiguous lots are under the same ownership as of October 2, 1991, the adoption date of the 1991 Comprehensive Plan, and one or more of those lots is nonconforming, such lot or lots shall be combined to form one or more building sites meeting the lot requirements of the zoning district or the Comprehensive Plan land use designation in which they are located as best possible, except in cases where such nonconforming lots are determined to be vested under the provisions of chapter 402, Article 27, Vested Rights, of this ULDC. Legal lots of record created from a parent tract as a lot split in accordance with Section §407.73(f) and prior to October 2, 1991, shall be exempt from this merger provision provided that the lot or lots are located in the Rural/Agriculture land use designation and were not part of a recorded plat.

(b) Dwellings on Nonconforming Lots

A building permit may be issued for a single-family dwelling or a manufactured home on any legally created nonconforming lot provided that such use is permitted, and that the requirements of the zoning district in which the lot is located are met.

(c) Exception for Legally Created Nonconforming Agricultural Lots

An administrative exception to the current standards of the zoning districts found in these regulations may be granted by the Zoning Administrator for dwellings (including manufactured homes and mobile homes meeting inspection and certification requirements found in Chapter 404) and any associated accessory buildings on Agricultural zoned lots that became legally nonconforming on September 28, 1992, the date of the previously amended land development code, or residential lots administratively rezoned to Agriculture, subject to the following standards unless platted, and then a re-plat may be required:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>0-3 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front, min (ft)</td>
</tr>
<tr>
<td></td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Rear, min (ft)</td>
</tr>
<tr>
<td></td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Interior side, min (ft)</td>
</tr>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Street side, min (ft)</td>
</tr>
<tr>
<td></td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Rear lot line setback - accessory buildings, min (ft)</td>
</tr>
<tr>
<td></td>
<td>7 1/2</td>
</tr>
</tbody>
</table>

(d) Development on Nonconforming Lots Due to Eminent Domain or Dedication of Street Right-of-Way

A development order may be issued for development of a lot not meeting the minimum area, setbacks or other standards of the zone, provided that the lot was made nonconforming by reason of the exercise of the power of eminent domain or through dedication of street right-of-way to the adjacent road system as requested by a governmental entity, and the remedies set forth in subsection (a) of this Section cannot be exercised.
Article 5 Other Nonconformities

408.17 Nonconforming Sexually Oriented Business
A nonconforming sexually oriented business shall have the right to continue only as the sub-category of sexually oriented business to which it has established its nonconforming status. These sub-categories are: sex shop; sexually oriented motion picture theater; sexually oriented media store; or sexually oriented cabaret. A retail store that has carried an inventory of sexually oriented products that equaled less than 40 percent of its total inventory and that occupied less than 40 percent of its retail floor area is simply a retail store, subject to the restrictions on retail stores under Chapter 404 and shall not have nonconforming status as a sexually oriented business.

408.18 Additional Standards for Nonconforming Sexually Oriented Businesses

(a) Purpose and Intent
On the date of adoption of new standards for the location of sexually oriented businesses, there are sexually-oriented businesses that already exist but that fail to conform to the location requirements imposed in the new standards. In each case, the nonconformity involves proximity to residential neighborhoods or other sensitive uses. To balance the interests of these established businesses with the interests of the affected neighborhoods and other sensitive uses, the County Commission has determined that such uses should be allowed to continue to operate but should be subject to additional standards to mitigate the impacts of their proximity to these sensitive uses.

(b) Standards
Any sexually oriented business that is a lawful nonconforming use because it is located in a zoning district that does not permit such use or because it does not conform with the separation requirements of Chapter 404 shall be subject to the following additional standards:

1. Operating Hours
   Each such business that offers on-premises entertainment (including live entertainment, motion pictures, videos, arcade booths, modeling or any other form of on-premises entertainment) shall be closed from 2:00 a.m. to 9:00 a.m. each day. This restriction on operating hours shall not apply to a nonconforming business that simply offers retail goods for sale or rental.

2. Restrictions on Signage
   Any sign on such a business, including both those that have on-premises entertainment and those that do not, shall be oriented so that it is not legible from any lot occupied by a single-family residence, a school or a house of worship. If it is impracticable to reorient the sign to preclude its legibility from such locations, the affected sexually oriented business may either install a landscaped or other screening device to accomplish the same purpose or remove the sign.
408.19 Motion Picture Arcade Booths
Motion picture arcade booths that were legally installed or constructed prior to February 1, 2004, and that were in existence on February 1, 2004, may continue at the same location, subject to the following requirements.

(a) Continuous Requirements
1. Management shall post on each booth and enforce a requirement that only one person is allowed in each booth at one time; and
2. Management shall ensure that there are no openings in walls between booths and shall immediately patch with permanent opaque material any opening that is found; and
3. Floors, walls, seats and any other surfaces in arcade rooms shall be non-porous; and
4. Lighting in the hallways leading to the booths and in other parts of the establishment open to the public shall at all times be maintained at a no less than ten footcandles at floor level; and
5. There shall be no doors, curtains, shutters or other visual obstructions in the door or entrance to each booth.

(b) Additional Requirement Effective February 1, 2005
From and after February 1, 2005, motion picture arcade booths shall be arranged or configured so that the interior of each booth is at all times clearly visible from a space of at least 500 square feet that is open to customers generally and from the cash register or other station in the establishment normally occupied by the manager or clerk on duty.

408.20 Nonconforming Parking Areas
Existing developments that contain parking areas that are not in conformance with Chapter 400 shall be required to bring such areas into compliance if a change in use occurs that requires more parking spaces than the existing use. Where a change in use is proposed for buildings classified by state or local jurisdictions as historical buildings, and the change in use will not increase parking beyond those of the existing use, the nonconforming parking will not be required to be brought into compliance as long as parking is provided to the extent that sufficient land is available on the site.

408.21 Nonconforming Signs, Sign Structures and Advertising Structures
All lawful nonconforming signs shall be governed by the provisions of Chapter 407, Article 3, Signs.

408.22 Nonconforming Number of Dwellings on a Lot
(a) A legal lot of record containing more than one principle dwelling that does not conform to the requirements of Section 407.01 may remain, subject to the following provisions:
1. The property owner must demonstrate the dwelling(s) were established by issuance of a valid building permit or were constructed or placed prior to December 8, 1964.
2. The dwelling(s) must be occupied and meet the minimum housing requirements of the Standard Housing Code. If a dwelling is occupied but
does not meet the minimum requirements, permits may be issued to bring the dwelling up to minimum housing standards.

3. The dwelling(s) may be replaced, but shall not be enlarged or expanded.

4. If a dwelling is a mobile or manufactured home it may be replaced upon a determination by the Zoning Administrator in accordance with the provisions of §408.12(a)2.b.ii.

5. Once the dwelling is deemed abandoned in accordance with §408.13(a), the dwelling may not be reestablished except in conformity with the regulations of this ULDC.

(b) Where the original owner of the lot of record divided the parcel into lots as part of an estate to family members that included the existing dwellings, such lots shall not be recognized as separate parcels and the dwellings shall be treated as multiple dwellings on a lot. The existing dwellings may be repaired or replaced in accordance with subsection (a) and the following additional provisions:

1. The family members listed as recipients with the estate, or their immediate family members must occupy the dwellings on the divided parcels. An affidavit must be recorded in the public record stating that the parcels cannot be sold as separate parcels before any permits can be issued for the property.

2. The affidavit must be agreed upon and signed by all family members occupying the dwellings on the lots created from the estate.

3. Any permits must be issued on the original lot of record.
Chapter 409  Violations, Penalties and Enforcement

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Article 1  Violations Defined

409.01  Types of Violations

Unless otherwise expressly stated by this ULDC or State law, any violation of this ULDC, including but not limited to the following, will be subject to the remedies and penalties provided for in this Article:

(a) to use land or buildings in any way not consistent with the requirements of this ULDC;
(b) to engage in development activity in any way not consistent with the requirements of this ULDC;
(c) to install or use a sign in any way not consistent with the requirements of this ULDC;
(d) to engage in the use of land, buildings, signs, natural resources or historic resources, or any development activity under this ULDC without obtaining all required permits or approvals;
(e) to engage in the use of land, buildings, signs, natural resources or historic resources, or any development activity in any way inconsistent with a permit or approval granted under this ULDC;
(f) to operate any business subject to specific use or operating conditions under this ULDC except in accordance with this ULDC; or
(g) any other failure to comply with the provisions of this ULDC.

409.02  Liability

The owner, tenant or occupant of any land or structure, shall be presumed to know of activity occurring on such land or in such structure and thus may be charged with a violation of this Code for any violation found on any premises subject to this Code. Where an architect, contractor, builder, agent or other person appears to have participated directly in a violation of this Code, such person may also be charged with a violation of this ULDC. The presumption established by this Section shall be rebuttable as part of the enforcement proceeding.

409.03  Deed Restrictions

These regulations shall not affect any private deed restrictions or restrictive covenants recorded with any deed, plat, or other legal document relating to the use or lot and setback requirements except those that state or reinforce requirements of this ULDC or development approvals thereunder. No person or agency in the capacity of administering or enforcing these regulations shall be responsible for enforcing private deed restrictions or restrictive covenants.
Article 2  Penalties and Remedies

409.04 Remedies and Enforcement Powers

The County may use any of the following remedies and enforcement powers:

(a) Referral to Codes Enforcement Board

Violations of this ULDC may be referred to the Alachua County Codes Enforcement Board for enforcement in accordance with F.S. ch. 162 and Chapter 24 of the Alachua County Code of Ordinances.

(b) Referral to Florida Department of Environmental Protection

Violations of this ULDC may also be referred to the Florida Department of Environmental Protection.

(c) Referral to State Attorney's Office

Violations of this ULDC may also be referred to the State Attorney's Office.

(d) Citations

A citation may be issued for violations of this ULDC in accordance with F.S. ch. 162 and Chapter 24 of the Alachua County Code of Ordinances.

(e) Withhold Permits & Approvals

The County may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or improvements thereon:

1. upon which there is an uncorrected violation of a provision of the Alachua County Code or of a condition or qualification of a development order, permit, certificate, approval or other authorization previously granted by the County; or

2. that is owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of the Alachua County Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County.

(f) Approval of Permits & Approvals with Conditions

Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization only if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety or general welfare.

(g) Revoke Permits & Approvals

Development approval, including but not limited to rezonings, plats, site plans, development plans, certificates of level of service compliance for concurrency requirements, vested rights determinations, and construction and building permits, may be revoked, modified, or suspended by the Board of County Commissioners, at a public hearing upon due public notice, when it has been demonstrated and found that the development approval was granted on the basis of a clear and material misrepresentation of fact by the applicant or on the basis of a clear and material error of law, or there has been clear and material noncompliance with the conditions for approval. A proposed action to revoke, modify, or suspend a
development approval may only be initiated by county staff. Upon discovery of such an erroneous development approval or noncompliance or deficiency of development activity with respect to the development approval, the county shall notify the owner, developer and other responsible parties, such as the engineer of record, the contractor or any known holders of any mortgages, by certified mail within five working days of discovery of the error or deficiency. The responsible parties shall bear all risks and responsibility for any work undertaken after notification of the error or deficiency. Upon determining that the error or deficiency poses an immediate threat to public health or safety, the director of the agency granting the development approval shall have the power to authorize or issue stop work orders. The responsible parties shall respond to the error or deficiency notice by certified mail within 15 working days with a proposal for corrective action to remedy the error or deficiency. The county shall evaluate and respond to the responsible parties within 10 working days with either an acceptance of the responsible parties’ proposal or with an alternative recommendation for corrective action. If the responsible parties’ recommendation is not accepted within ten working days, the responsible parties shall have an additional 15 working days to negotiate an acceptable resolution with the county. If resolution cannot be reached, the county may proceed with revocation, modification, or suspension procedures as outlined in this section. At least 15 days prior to the public hearing before the Board, notice shall be provided by certified mail to the applicant for the development approval, all owners of record of property within the portions of the development approval to be revoked, and to other property owners to the same extent as was required for the subject development approval setting forth specific allegations to support the proposed action.

(h) Stop Work
1. Whenever a Building or part thereof is being constructed, reconstructed, altered or repaired or any natural or historic resource is being altered in violation of this ULDC, the Codes Enforcement Director or any other qualified building or code inspector may order the work to be immediately stopped.
2. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
3. Violation of a stop work order constitutes a misdemeanor.

(i) Forfeiture and Confiscation of Signs
Any sign installed or placed on public property, except in compliance with the regulations of Chapter 407, Article 3, will be subject to forfeiture to the County and to confiscation. In addition to other remedies and penalties of this Section, the County has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

(j) Legal Relief
1. The County may commence a civil action or proceeding to stop any violation of this ULDC or of a permit, certificate, plan or other form of authorization granted hereunder, to remove a violation, or to restore the Premises in
question to the condition in which they existed prior to violation. The relief sought may include:

a. an injunction or other equitable relief;

b. a mandatory injunction requiring specific performance of the requirements of a site plan, development plan, landscaping plan, environmental remediation plan or any development order, approval or permit requiring specific site improvements as a remedy under this ULDC or as a condition of approval of such development order, approval or permit;

c. an order in the nature of mandamus or abatement;

d. a civil action in a court of competent jurisdiction to establish liability and to recover damages to property including animal, plant, and aquatic life, caused by any violation;

e. a judgment or order enforcing any requirement of, or under, this ULDC to pay a fee or reimburse or compensate the County, including when the County is required or authorized to take specified action at the expense of the Landowner; or

f. any other judgment or order available under Florida law.

2. It shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the County has failed to exhaust its administrative remedies, or has failed to hold an administrative hearing prior to the institution of a civil action.

(k) Consent Orders

The County Manager has the authority to enter into consent orders on behalf of Alachua County to settle code violations, either before or after initiating formal enforcement action. The settlement may include a penalty amount different from the penalties provided by code, including the payment of administrative costs and expenses. Proposed consent orders shall be reviewed by the County Attorney’s Office prior to signature by the parties.

(l) General Penalties

1. Violation of the provisions of these regulations or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variance, special use permits or special exceptions, may be punishable as provided by general law for violation of County ordinances. All monies collected related to surface waters, wetlands, strategic ecosystems or other regulated natural resources shall be deposited in an environmentally sensitive lands fund, hereby created, for the acquisition and management of environmentally sensitive lands.

2. The County may seek such other penalties and remedies, and employ such other enforcement powers, as are provided by Florida law for violations of zoning, subdivision, sign, or related provisions.

409.05 RESERVED

409.06 Continuation of Previous Enforcement Actions

Nothing in this ULDC prohibits the County’s continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.
409.07 Remedies Cumulative
The remedies and enforcement powers established in this ULDC are cumulative, and the County may exercise them in any order.
Chapter 409. Violations, Penalties and Enforcement

Article 2. Penalties and Remedies
Chapter 410 Definitions

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Article 1 General

410.01 Construction of Words and Phrases
(a) Terms not defined in this Chapter shall be construed in accordance their customary usage and meaning.
(b) The following general rules of construction shall govern the interpretation of words and phrases used in this ULDC.

1. May
   The term "may" is permissive.

2. Shall and Will
   The terms "shall," "will" and "must" are mandatory.

3. Singular and Plural
   The singular word or number includes the plural, and the plural word or number includes the singular.

4. Tenses
   The present tense includes the future tenses.

Article 2 Abbreviations

EPD: Alachua County Environmental Protection Department
AASHTO: American Association of State Highway and Transportation Officials
TND: Traditional Neighborhood Development
TOD: Transit Oriented Development
FDEP: Florida Department of Environmental Protection
BOCC: Alachua County Board of County Commissioners
DRC: Development Review Committee
BOA: Board of Adjustment
ADT: Average daily traffic
WB30': 30-foot wheel base
VPH: Vehicles per hour
TDR: Transfer of development rights
Article 3  Defined Terms

10-Year Storm Event: A rainfall event having a 10 percent probability of occurrence during any given year.

25-Year Storm Event: A rainfall event having a four percent probability of occurrence during any given year.

100-Year Storm Event: A rainfall event having a one percent probability of occurrence during any given year.

100-Year Floodplain: See Flood Hazard Area.

Access: Ingress and egress to land bordering on public streets.

Accessory dwelling unit: An additional dwelling unit, including a separate entrance and permanent provisions for living, sleeping, eating, cooking and sanitation, attached or detached from the primary residential unit, on a single family lot. Accessory dwelling units are subordinate in size and location to the primary unit.

Accommodations, overnight: Any hotel, motel, bed and breakfast, rooming house, RV park or campground that is intended to be used for overnight lodging, rented for a period of no more than thirty days.

Activity Center: Area designated on the Future Land Use Map where higher intensity and density land uses are concentrated.

Addition: An extension or increase in floor area, number of stories, or height of a building or structure.

Administrative permit: Any permit that may be granted by Alachua County staff without a public hearing before a development review body, including but not limited to building permits, construction permits, sign permits, and tree removal permits.

Adult day care: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator, and who require such services.

Advanced waste treatment: Effluent that has received high level disinfection as defined in Florida Statutes 403.086 and as defined contains not more, on an annual average basis, than the following concentrations:

1. Biochemical oxygen demand (CBOD5): Five mg/l.
2. Suspended solids: Five mg/l.
3. Total nitrogen, expressed as N: Three mg/l.
4. Total phosphorus, expressed as P: One mg/l.

Adverse impact (upon a natural resource): Direct contamination, alteration, or destruction, or that which contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to the degree that its environmental benefits are or will be eliminated, reduced or impaired.

Adverse stormwater impacts: Runoff from heavy precipitation that can result in flooding outside of normal floodplains, erosion and loss of property or life.
**Adverse visual impact:** As used in Chapter 404, Article 12, the negative visual effect of a PWSF on its surroundings. Being able to see a PWSF does not necessarily equate to a negative visual effect. Whether the visual effect of a PWSF is adverse is based on the existence of relevant negative factors for that facility, the number of those negative factors, and the degree that the facility evidences those negative factors. Relevant negative factor may include: a large amount of the PWSF is visible from normal views; the PWSF is of a design, material, location, or size that readily catches and holds a viewer’s eye when viewed from normal views; the PWSF is in the normal view of a person in a moving vehicle for more than a short period of time; the PWSF is to be lighted and in an area with few or no other lights; the PWSF is readily identifiable as a PWSF by the average viewer; the PWSF, when viewed from normal views, appears out of place in the area; there is an absence of existing visual impact from other uses in the area surrounding the PWSF; there is an absence of vegetation, structures or other screening between the PWSF and normal views; the scale (height and bulk) of the PWSF is significantly greater than other uses existing or allowed in the surrounding area; the facility is proposed in an area visually protected by adopted view protection corridors or generally applicable aesthetic regulations that heighten the protection of the overall aesthetics of the area; and a large amount of the available view is occupied by the PWSF, relative to all available views.

**Affordable housing:** Affordable means that monthly rent or monthly mortgage payments including insurance and property taxes generally do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for households qualifying under the definitions for low-income, moderate-income and very low-income. This does not preclude participation in federal or state programs that allow for a higher percentage of income to be devoted to rent or mortgage payments.

**Affordable Housing Development (concurrency):** A development where at least 50% of the units meet the definition for affordable housing for low-income households, or where at least 20% of the units meet the definition for affordable housing for very low-income households.

**Aggrieved or adversely affected party:** Any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer or applicant for a development order.

**Agriculture:** The use of land predominantly for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture.

**Agriculture, Bona Fide:** Good faith commercial agricultural use of the land, provided the land is classified for assessment purposes by the property appraiser as “agricultural” pursuant to Chapter 193, Florida Statutes.

**Agriculture, intensive:** Includes off-premises agricultural processing, agricultural warehousing and distribution, and concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens.
Agricultural processing, offsite: A facility that processes, packages and sells agricultural products or byproducts (such as compost) that are not produced on the property or as part of the same farming operation.

Agricultural services: Service industries supporting agricultural production and processing, including, but not limited to, landscape materials and service, tree-trimming and horticultural services, irrigation services, veterinary and other animal services; soil preparation services, crop services, farm labor and management services; well-drilling services, and related retail sales for permitted agricultural services only.

Agricultural supply: Materials, goods, and equipment directly related to agricultural activities and services, such as animal feed and supplies, fertilizers, landscape materials, farm equipment and supplies, and horticultural or garden items.

Agricultural uses: Activities including silviculture, livestock and poultry raising, cattle and animal grazing, cultivation crops and other commercial production for sale to others, including apiculture, aquaculture, floriculture, groves and orchards, horticulture, pasturing of animals, training or instruction of animals, sod farming, tree farming, viticulture, on-farm composting and similar activities. Preparation and sale of value added goods made using products produced onsite shall be considered an agricultural use.

Agricultural warehousing or distribution: Any activity that provides for the warehousing, storage, or distribution of agricultural supplies and equipment, including such items as animal feed and supplies, fertilizers, farm equipment and farm supplies, horticultural or gardening items, and bulk food products.

Agritourism activities: Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, “u-pick” opportunities, cooking classes, agricultural workshops or agricultural education activities.

Airport elevation: the highest point of an airport’s usable land area measured in feet above mean sea level.

Airport hazard: any structure or any object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended, and which obstructs the airspace required for flight of aircraft in landing, maneuvering, and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airport obstruction: any structure, object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended.

Airport noise zone: The area within the noise zone of public airports as established by Alachua County after a public hearing and depicted on the Official Zoning Map.

Alley: Any public or private right-of-way, primarily designed to serve as primary or secondary access to the side or rear of properties and less than 30 feet in width.

All-terrain vehicle (ATV): Any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons. Two-rider ATV: Any ATV that is specifically designed by the manufacturer for a single operator and one passenger. OHM or off-highway motorcycle: Any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact
with the ground, but excludes a tractor or a moped. *Recreational Off-road vehicle (ROV):* Any motorized recreational off-highway vehicle 65 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, and manufactured for recreational use by one or more persons.

**Alteration:** Human-caused activity that modifies, transforms, or otherwise changes the land and/or vegetation, including, but not limited to: removal, displacement, mowing, or disturbance (severe pruning, hatracking or internodal cutting, or poisoning) of vegetation excluding permitted prescribed burns; removal, displacement, demucking or disturbance of soil, rock, minerals or water within a plant’s root zone; introduction of livestock; placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; use of mechanical equipment, including vehicle rutting, within a plant’s root zone; dredging or excavation of land; construction of new structures or expansion of existing structures; installation of utilities, roads, stormwater management systems, septic tanks, bulkheading, fencing, agricultural activities, site preparation, land clearing, tree cutting, mechanized vegetation removal, contouring, placement of bridges or culverts, extraction of stumps or submerged logs, and the disposal of solid or liquid waste.

**Alteration of a watercourse:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Animal sanctuary:** A place of refuge where one or more non-domestic animals are kept for the purposes of protection, rehabilitation, and care for the extent of their lives.

**Antenna:** A whip (omni-directional antenna), panel (directional antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals. Unless the context indicates otherwise, as used in Chapter 404, Article 12, the term ‘antenna’ also means ‘antenna array’.

**Antenna array:** An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs).

**Aquifer:** A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

**Aquifer, Floridan system:** The thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system; but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan Aquifer system is present throughout the county and is the deepest part of the active ground water flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group.
these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydrite beds that lie near the top of the Cedar Keys Limestone.

**Aquifer, intermediate system:** All rocks that lie between the overlying surficial aquifer system and the underlying Floridan Aquifer system. These rocks in general consist of fine-grained clastic deposits interlayered with carbonate strata belonging to all or parts of the Miocene and younger series. In places, poorly water-yielding to non-water-yielding strata mainly occur; there the term "intermediate confining unit" applies. In other places, one or more low- to moderate-yielding aquifers may be interlayered with relatively impermeable confining beds; there the term "intermediate aquifer system" applies. The aquifers within this system contain water under confined conditions. The top of the intermediate aquifer system or the intermediate confining unit coincides with the base of the surficial aquifer system. The base of the intermediate aquifer is the top of the vertically persistent permeable carbonate section that comprises the Floridan Aquifer system, or, in other words, that place in the section where clastic layers of significant thickness are absent and permeable carbonate rocks are dominant. Where the upper layers of the persistent carbonate section are of low permeability, they are part of either the intermediate aquifer system or intermediate confining unit, as applicable to the area.

**Aquifer, surficial system:** The permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer system where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene series. It contains the water table and water within it is under mainly unconfined conditions; but beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one or more aquifers may be designated based on lateral or vertical variations in water-bearing properties.

**Aquifer, unconfined:** An aquifer that has no impermeable layer between the zone of saturation and water table.

**Architecture:** The art and science of designing a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures.

**Art gallery:** An establishment engaged in the display and sale or loan of paintings, sculpture or other works of art.

**Artifact:** Any object manufactured or altered by human workmanship with intrinsic historical or archaeological value. Generally, this term shall apply to objects equal to, or greater than, 50 years in age.

**ASCE 24:** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA

**Assisted living facility:** Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one
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or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. (Chapter 429, Part I, F.S.)

**Average daily traffic (ADT):** The number of vehicles traveling in all directions over a segment of a road during a 24-hour period.

**Base flood:** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in Florida Building Code, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the “1-percent-annual chance flood.”

**Base flood elevation:** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in Florida Building Code, B, Section 1612.2.]

**Basement:** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in Florida Building Code, B, Section 1612.2.]

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same development site as the light source; also, any light with one or more beams that rotate or move.

**Bed and breakfast:** An owner-occupied dwelling unit licenced and operating as a business where lodging, and generally provision of at least one meal, is provided for compensation, and including customary accessory uses in connection with the principal use. This does not include rentals in private dwelling units defined as Short-term Rentals.

**Best Management Practices (BMPs):** A series of guidelines or minimum standards adopted for areawide application, typically associated with agricultural, silvicultural, golf course, and similar operations, designed primarily to prevent soil erosion and water pollution, and to protect certain wildlife habitat values in riparian and wetland areas.

**Bicycle lane:** A bicycle lane is a lane dedicated for the use of bicycles. A bicycle lane shall be a minimum of four feet wide and shall be measured from the edge of a vehicular traffic lane to the beginning of the shoulder or gutter line. The shoulder or gutter shall not be used in calculating the four foot dimension. Bicycle lanes shall be striped and marked according to AASHTO Standards.

**Biodiversity (Biological diversity):** The variety, distribution and abundance of living organisms in an ecosystem. Maintaining biodiversity is believed to promote stability, sustainability and resilience of ecosystems.

**Biosolids:** The solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility or domestic septic tank. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant. Also not included are solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, Class AA residuals as defined in Rule 62-640, F.A.C., other solids as defined in Rule 62-640.200(24), F.A.C., and ash generated during the incineration of residuals.

**Block:** An area composed of private/public lots and alleys surrounded by public streets.

**Block Face:** Any segment of a block fronting a public street.

**Borrow pit:** Subsurface excavation of earth materials such as sand, clay or limerock for use as fill material in any type of construction activity.
Buffer: An area of planted or natural vegetation or open space maintained for various purposes, including reduction of erosion and silting along surface waters and wetlands, reduction of poaching and wind erosion along roads and field edges, provision of wildlife travel corridors and habitat, and for separation of adjacent land uses or properties from one another.

Building: Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, mobile homes, sheds, garages, carports, animal kennels, storerooms, gasoline pumps, solar panels and similar structures, whether stationary or movable.

Building, accessory: A subordinate building, the use of which is incidental to that of the principal building on the same lot. Accessory screened enclosure structures, whether or not attached to the principal building, shall be considered an accessory building if the roof and all sides of the enclosure not attached to the principal building are made of the screening material. In such cases the accessory building setback for the respective zoning district shall apply.

Building, principal: A building in which is conducted the principal use or uses of the lot on which it is situated. Any attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six feet in width.

Building area: That area within and bounded by the building lines established by required yards and setbacks, or that area illustrated on an approved plat.

Building coverage: The gross area of a lot or parcel of land occupied by the ground floor of a building (principal and accessory) which is under roof. As a percentage, the relationship between ground floor area of the building under roof and the total area of the site.

Building height: The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the eve line of the principal portion of the uppermost story. The height of a building with a flat or nearly flat roof shall be measured from the footing as stated above to the highest point of the roof. A flat roof shall be considered a roof that has a slope of less than seven degrees with the horizontal. No projection in excess of 10 feet above the roof line shall be permitted for any building.
Building line: A line formed by the face of a building that is used to establish a yard for a building or structure. Building lines may be defined as front, rear, interior side, or street side.

Building permit: A final approval to build or install a structure.

Building wall: An exterior load-bearing or non-load-bearing vertical building component that is used as an enclosing wall for a building, other than a party wall or fire wall, including a parapet wall (as defined by the Florida Building Code), extending to a height necessary for screening of rooftop mechanical equipment but not more than 25 feet above the roof.

Bulb-out: Curb extensions that reduce roadway width curb to curb and provide for a shorter crossing distance for pedestrians.

Bus shelter: A structure used as a shelter for the convenience of passengers of a transportation system.

Business services: Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services, but including such businesses as insurance agencies, stockbrokers, counselors, consultants, accountants, collection agencies, title and abstract companies, income tax services, travel agencies, advertising agencies, and any similar office-type use.

Cannabis (Low-THC): A plant of the genus, Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; th seeds thereof; the resin extracted from any part of such a plant; or any compound, manufacture, salt derivative, mixture or preparation of such plant or its seeds that is dispensed only from a medical marijuana dispensary.

Cannabis (Medical): A plant of the genus, Cannabis, whether growing or not; the resin extracted from any part of such a plant; or any compound, manufacture, salt derivative, mixture or preparation of such plant or its seeds that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s.499.0295 F.S.

Capital improvements element: The capital improvements element in the county comprehensive plan or its most recent amendment.

Capital improvements program: The list of capital projects updated annually and adopted in the capital improvement element by the Alachua County Board of County Commissioners that is used to identify capital improvements that will contribute to the maintenance of level of service standards adopted in the capital improvements element for each public facility.

Carrier: A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

Cartway: A roadway generally designed for two way traffic that has no center stripe.
Certificate of level of service compliance (CLSC): A statement from the county that the public facilities required to serve the proposed development are or will be available with adequate capacity based on adopted level of service standards when the impacts of the development occur.

Change of Occupancy: For the purposes of Chapter 406, Article 7, a change of occupancy shall be a change in the purpose or level of activity within a building that involves a change in the application of the requirements of this code.

Child Care Center: any center or arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

Church: see “Place of Worship”.

Civic organization: A private, non-profit entity existing to serve one or more community functions, including educational, cultural, social, service, and religious activities.

Clean debris: Any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the FDEP.

Close-mount: Antenna arrays mounted within three feet of the mounting structure.

Closed system: An enclosed stormwater conveyance system associated with roadways constructed with curb and gutter.

Cocktail lounge, bar, tavern, or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises in which the service of food is merely incidental defined as the establishment deriving no more than 50 percent of its gross revenue from the sale of food consumed on the premises. Dancing and musical entertainment may be permitted. The term nightclub may also include facilities in which dancing and musical entertainment are permitted whether or not alcoholic beverages are served.

Co-location: The use of a common mount by two or more wireless carriers.

Colonnade: A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers.

Commencement of construction: Issuance of a construction or building permit by Alachua County and commencement of infrastructure or building construction activities.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial animal raising: A commercial activity whose principal use is the breeding of non-domestic animals, both native and exotic, and which are not considered livestock by the Florida Department of Agriculture, as for wholesale and/or retail sales.

Commercial Mobile Radio Services (CMRS): Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. According to the FCC, these services are “functionally equivalent services.” Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Common open space: see “Open space, common”.
Common ownership or control: The same or overlapping ownership or control, in that one or more person in a position of ownership or control is overlapping (i.e. owners, shareholders, directors, partners, principals, and other individuals that make up the corporations, partnerships, limited liability companies, professional associations, joint ventures, and other legal entities that own, that hold options to purchase, or that develop property).

Community green space: Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares.

Community residential home, small: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for 6 or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community residential home, large: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for 7 or more unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community services: Governmental or private uses that provide a function for the community, including nonprofit or voluntary organizations and clubs engaged in civic, charitable, and related activities.


Concealed PWSF: A PWSF that is not readily identifiable as such and that is not aesthetically incompatible with nearby uses. There are two types of concealed PWSFs:

1. Concealed PWSF tower: A style of PWSF tower designed to obscure from view the antennas and the ancillary appurtenances that directly relate to the antennas. Concealed PWSF towers include, but are not limited to, structures that are or look like the following: a church steeple, a bell tower, spire, clock tower, cupola, light standard, flagpole with or without a flag, tree, etc.

2. Concealed PWSF antenna: Antenna either located wholly within the structure so as not to be visible, located behind screening, or otherwise locating them in such a manner that the antenna and ancillary appurtenances are not readily identifiable as such.

Concentrated animal feeding operation: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered concentrated animal feeding operations.

Concurrent: That the public facilities necessary to maintain the level of service standards adopted in this chapter will be available when the impacts of development occur on the public facilities affected by the development.

Concurrency management official (CMO): The Director of Growth Management, or his designee.

Concurrency management system: The procedures and/or process that Alachua County will utilize to assure that development orders and permits are not issued unless facilities will be available concurrent with the impacts of development.
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**Connections:** Driveways, streets, turnouts, accessways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

**Connectivity:** An interlinked system of transportation paths providing multiple routes, based on principles of efficient land use and transportation infrastructure.

**Conservation areas:** Natural resources that, because of their ecological value, uniqueness and particular sensitivity to development activities, require stringent protective measures to sustain their ecological integrity, including wetlands, surface waters, 100-year floodplains, listed species habitat, significant geologic features, and strategic ecosystems.

**Conservation easement:** Conservation easement shall mean a perpetual, undivided interest in real property as described in 704.06, Florida Statutes.

**Conservation management area:** An area that contains the entire regulated natural or historic resources, as well as additional areas such as buffers, setbacks and linkages that preserve natural system functions.

**Construction and demolition debris:** Discarded materials generally considered to be not water-soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction or demolition of a structure as part of a construction or demolition project or from the renovation of a structure and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. The term also includes: clean cardboard, paper, plastic, wood and metal scraps from a construction project; except as provided in Section 403.707(12)(j), Florida Statutes, relating to recycling, waste reduction, and resource recovery, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and the minimum amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry.

**Continuing in good faith:** The final development order for a project has not expired, and no period of one year passes without the occurrence, on the land, of development activity which significantly moves the proposed development toward completion of construction. However, a one year lapse in development activity due to factors beyond the developer's control shall not constitute a failure to continue in good faith.

**Convenience store:** An establishment engaged in the retail sale of a variety of merchandise and food, such as canned and dry goods, beverages, dairy products, and bakery products not produced on the premises.

**Corner clearance:** At an intersecting street or highway, the dimension measured along the edge of the travelled way between the return radius point and the nearest point of the driveway.

**Corridor Design Manual:** Alachua County Corridor Design Manual, adopted November 2002.

**County:** Alachua County, a charter county and political subdivision of the State of Florida.

**County Commission:** The Board of County Commissioners of Alachua County, Florida.
County Engineer: The Alachua County Engineer or his designee.

County facility: Any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the County, located throughout Alachua County, and includes, but is not limited to, County parks and recreation facilities.

Courtyard: A common open space surrounded wholly or partly by walls or buildings where people may congregate.

Critical-duration: The duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event (1-hour, 2-hour, 4-hour, 8-hour, 24-hour, 3-day, 7-day and 10-day events). The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical-duration" storm.

Cul-de-sac: A street terminated at the end by a vehicular turnaround.

Dairy, commercial: An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities.

Dam: A barrier to the flow of surface waters, constructed of earthen or other suitable materials.

De minimis impact: An impact of not more than ten average daily trips on the affected transportation facility. A de minimis impact shall not exceed a cumulative impact of ten (10) average daily trips for an existing parcel of record, contiguous commonly held parcels or per development proposal. Further, no impact shall be de minimis if it exceeds the adopted level of service of a designated hurricane evacuation route.

Decision height: The height at which a decision must be made during an Instrument Landing System approach to either continue the approach or to execute a missed approach.

Department: The Department of Growth Management.

Design flood: The flood associated with the greater of the following two areas: [Also defined in Florida Building Code, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Design flood elevation: The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in Florida Building Code, B, Section 1612.2.]

Detention: The collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical or biological processes with subsequent gradual release of stormwater.

Developer: The owner of land to be subdivided or the owner’s representative who is responsible for any undertaking that requires review and/or approval.
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**Developer's agreement:** An enforceable agreement entered into between Alachua County and a developer to provide for exactions or implementation of mitigation strategies or other provisions necessary to address impacts caused by development.

**Developed area:** That portion of a plot or parcel upon which a building, structure, pavement, gravel, landscaping or other improvements have been placed.

**Developed recreation:** Facilities designed to provide for active recreation as their primary use, including swimming pools, playing fields, paved courts and skating areas, etc.

**Development agreement:** An enforceable agreement between Alachua County and a developer which meets the requirements of F.S. §§ 163.3220 163.3243 and 163.3177(10)(h).

**Developer's engineer:** A professional engineer, registered in Florida, who is in good standing with the Department of Business and Professional Regulation, Division of Professions, Board of Professional Engineers, engaged by the Developer to prepare engineering plans for the development and to review the construction of capital improvements.

**Development:** Any new subdivision or expansion of an existing subdivision, or any new residential, commercial, industrial, institutional or mixed use project, or expansion of such an existing project, where approval is required by the Development Review Committee and/or the Board of County Commissioners.

**Development, zero lot line:** A residential or mixed use development where the buildings, either attached or detached, are positioned on a lot in such a manner that one or more of the building’s sides rest directly on a lot line or within a required setback and that all buildings utilize the same side of the lot.

**Development activity:** Any dredging, filling, excavation, construction of new structures, expansion of existing structures, installation of utilities, roads, personal wireless service facilities, stormwater management systems, septic tanks, bulkheading, land clearing, tree cutting, mechanized vegetation removal and the disposal of solid or liquid waste.

**Development order:** Any order granting, denying, or granting with conditions a building permit, construction permit, rezoning, subdivision approval, special use permit, special exception, variance, or any other official action by Alachua County having the effect of permitting the development of land.

**Development order, final:** The approval by the county of a proposal containing a specific plan for development, including the densities and intensities of the proposed development. It includes the final approval given by the development review committee (DRC) in accordance with the requirements of the land development regulations or other permits such as excavation permits which have an impact on one or more public facilities that are subject to concurrency.

**Development plan, minor:** A Final Development Plan requiring approval by the Development Review Committee including Limited Uses, Change of Use, and similar development plans not requiring extensive engineering as deemed by the Director of Growth Management.

**Development Review Committee (DRC):** A committee, established for the review and approval process for development in the unincorporated area of Alachua County.

**Developments of Regional Impact:** Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county and which is required to undergo Development of Regional Impact review in
accordance with the standards and guidelines adopted by the state land planning agency pursuant to F.S. § 380.06(2).

**Diameter breast height (DBH):** The diameter of a tree measured at four and a half feet above ground level.

**Director:** The Director of the Growth Management Department, except where the context clearly indicates the director of another Alachua County Department.

**Distance between driveways:** The distance measured along the right-of-way line between the tangent projection of the inside edges of adjacent driveways to the same frontage.

**Documented:** The existence of a scientifically credible occurrence record, including surveys, scientific publications, or other information from a developer or landowner, local, regional, state or federal agencies, or other credible source.

**Dormitory:** A structure used for sleeping accommodations related to an educational facility.

**Domestic animals:** A dog, cat, or ferret.

**Drainage structure:** Culverts, storm drains, and stormwater retention or detention ponds with side slopes that must be stabilized by artificial means.

**Dwelling:** A building or part of a building used for residential purposes, including dormitories, fraternity or sorority houses, and community residential homes, but not overnight accommodations such as hotels, motels, tourist courts, and rooming houses, recreational vehicles or other living facilities.

**Dwelling, single family attached:** A building and accessories that is principally used, designed, or adapted for use by a single household, containing all the essential elements of a single housekeeping unit, and that is constructed in a series, row, or group with one or more other dwelling units, which share not less than 50 percent of one or more exterior walls and are located on separately platted lots.

**Dwelling, single family detached:** A principal building and customary accessory structures that are used, designed, or adapted for use by a single household, containing all the essential elements of a single housekeeping unit, and that is constructed on a lot of record.

**Dwelling, multifamily:** A dwelling or group of dwellings on one lot, containing separate living units for two or more families, having separate or joint entrances, and including apartments, row houses, and condominiums.

**Easement:** Any strip or piece of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation.

**Eaves:** The extension or overhang of a roof measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

**Ecological integrity:** The condition of an ecosystem having the biotic communities and physical environment with structure, composition, and natural processes that are resilient, self-sustaining, and able to accommodate stress and change. Its key ecosystem processes, such as nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are functioning properly within the natural range of variability.

**Ecological value:** The value of functions performed by uplands, wetlands, and other surface water to the abundance, diversity, and habitats of fish, wildlife, and listed species. These functions
include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization.

**Ecosystem:** A community of all plants and animals and their physical environment, functioning together as an interdependent unit.

**Ecosystem management:** The conservation, restoration or enhancement of, and planning for the maintenance of, parts or whole natural systems inter-related or associated with particular resources. Ecosystem management is an approach to natural resources that integrates ecological, economic, and social principles to manage biological and physical systems in a manner that safeguards the ecological sustainability, natural diversity, and productivity of the landscape. Examples of ecosystem management practices include: using fire to restore longleaf pine forests, leaving buffer zones to protect water quality, and using harvesting techniques that enhance forest productivity and provide critical wildlife habitat.

**Ecotourism activities:** Activities involving travel to areas of natural or ecological interest to observe wildlife and support conservation efforts such as nature tours, birding activities, ecological workshops, canoeing, hiking, biking, and other ecological education activities.

**Edge clearance:** The distance measured along the edge of the travelled way between the frontage boundary line of adjacent properties and the nearest point of the connection, flare or radius.

**Educational facility, college/university:** A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

**Educational facility, private:** A non-public elementary, secondary, business, technical, or trade school below college level serving students in grades Kindergarten through twelfth. These institutions may also include early learning opportunities for students three (3) years of age or older provided the programs are staffed by the school and meet age-appropriate standards. A school that includes only grades below kindergarten shall be considered a ‘child care center’. This shall also include charter schools that are not considered ‘conversion charter school’ by Florida Statute.

**Educational facility, public:** A public elementary or secondary school serving students in grades Kindergarten through twelfth with an academic course of study approved by the Florida Department of Education. These institutions may also include early learning opportunities for students three (3) years of age or older provided the programs are staffed by the school and provide and meet age-appropriate standards. This shall also include ‘conversion charter schools’ as defined in Florida Statute.

**Educational Facility, vocational:** A specialized instructional establishment that provides on-site training or professional, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school. Indoor training and instruction for professional sports shall be considered an “Indoor Sports Training Facility”.

**Element:** Any exemplary or rare component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature.

**Element occurrence:** A single extant habitat that sustains or otherwise contributes to the survival of a population or a distinct, self-sustaining example of a particular element.
Encroachment: The part of a structure that intrudes into a setback.

Enhanced Specialized Mobile Radio (ESMR): Private land mobile radio with telephone and data services.

Entertainment and recreation: Uses that include amusement arcades, movie theaters, simulated gambling establishments, pool halls, bowling lanes, skating rinks, miniature golf, and carnival-type concessions and rides. Coin-operated amusement machines (excluding motion picture viewers or video arcades) of ten or fewer machines shall be allowed as an accessory use to a restaurant in those zoning districts where restaurants are permitted and shall not be considered commercial recreation and entertainment, provided that the machines are authorized by the Florida Department of Revenue and an amusement machine certificate is posted in a conspicuous place at the machine location.

Environmental quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of federal, state and county governments.

Equipment cabinet/shelter: An unoccupied, enclosed structure at the base of the mount within which is housed the equipment for the PWSF such as batteries and electrical equipment.

Excavation: The removal and transport of earth materials (sometimes referred to as "borrow" activities). This definition excludes commercial mining operations (such as limerock and sand mining operations), excavation associated with construction of storm water management facilities, excavation activities governed by the Alachua County Subdivision Regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Exactions: A requirement of a developer to dedicate land or construct or pay for all or a portion of the costs of capital improvements needed for public facilities as a condition of development approval. For purposes of this chapter, this does not include improvements on the site of the development or to provide safe access to and from the development to meet the needs of the occupants or users of the development, except for those improvements provided for a public purpose. These improvements may include transit enhancements, public sidewalks or public parks. The CMO shall have the authority to make the final determination of the public purpose associated with any exaction.

Excavation and fill operation: An operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris or construction and demolition debris.

Existing building or Manufactured Home and existing structure: For the purposes of Chapter 406, Article 7, any buildings and structures for which the “start of construction” commenced before December 14, 1982. [Also defined in Florida Building Code, B, Section 1612.2.]

Existing deficiency: A deficiency in a public facility caused when the existing and reserved demand (from approved development through the issuance of a CLSC) exceeds the capacity of said facility at the adopted LOS standards.

Existing manufactured home park or subdivision: For the purposes of Chapter 406, Article 7, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 14, 1982.
Expansion to an existing manufactured home park or subdivision: For the purposes of Chapter 406, Article 7, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extraction: The removal of soil, sand, minerals, etc., from the earth through mining or excavation (borrow) activities.

Façade: The exterior wall of a building, parallel at the frontage line.

Fall zone: The area on the ground within a prescribed radius from the base of a PWSF, broadcasting or communications towers. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

Family: One or more persons occupying a living unit as a single, nonprofit housekeeping unit.

Family homestead exception: A family homestead exception is an exception to the density or intensity of a parcel in certain zoning districts as specified in Article 23, Family Homestead Exceptions, in Chapter 402.

Farmworker housing: Residential dwellings constructed or installed to provide housing for farmworkers and their families when employed on a full-time basis by the owner or operator of an intensive agricultural activity occurring on the property on which the housing is located.

Federal Communications Commission (FCC): An independent federal agency charged with licensing and regulating wireless communications at the national level.

Federal Emergency Management Agency (FEMA): The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fill: Raising the surface level of the land with suitable soil or other material as specifically permitted for the site.

Filtration System: The temporary storage of stormwater and the subsequent gradual release of the stormwater through at least two (2) feet of suitable fine textured granular media such as porous soil, uniformly graded sand, or other natural or artificial fine aggregate, which may be used in conjunction with filter fabric and/or perforated pipe or storage vaults.

Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Fitness Center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

Fixture, cutoff: Intensity at 80 degrees from nadir does not exceed 100 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 25 candela per 1000 lamp lumens.

Fixture, full cutoff: A luminaire light distribution where no candlepower occurs at or above an angle of 90 degrees from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

Fixture, fully shielded: Constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.
Fixture, partially shielded: Shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from any part of the fixture is projected above the horizontal.

Fixture, semicutoff: Intensity at 80 degrees from nadir does not exceed 200 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candela per 1000 lamp lumens.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in Florida Building Code, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in Florida Building Code, B, Section 1612.2.]

Flood hazard area: The greater of the following two areas: [Also defined in Florida Building Code, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Flood Hazard Area (Variance): For the purposes of Chapter 406, Article 7, a grant of relief from the requirements of this ULDC, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in Florida Building Code, B, Section 1612.2.]

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in Flood Building Code, B, Section 1612.2.]

Floodplain: Lowland adjoining the channels of rivers, streams or other watercourses, or lakes or other bodies of standing water. Includes the floodway and floodway fringe.

Floodplain Administrator: The office or position designated and charged with the administration and enforcement Chapter 406, Article 7 (may be referred to as the Certified Floodplain Manager).

Floodplain Development: For the purpose of Chapter 406, Article 7, any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Floodplain development permit or approval: An official document or certificate issued by the Building Official or Floodplain Administrator, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas.
Floodway: The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a one foot. [Also defined in Florida Building Code, B, Section 1612.2.]

Floodway encroachment: For the purposes of Chapter 406, Article 7, the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Floor area ratio: The square foot amount of gross floor area (all stories) divided by the land area of the site of the proposed development.


Fraternity or sorority house: A structure used as group living quarters for students of an educational facility who are members of a fraternity or sorority that has been officially recognized by the educational facility.

Front building elevation area: The area found by multiplying the length of the front wall of the principal building on a lot or parcel of record by the distance between the entry level and the eave line of this building.

Frontage: The distance or width of a parcel of land abutting a public right-of-way and as measured upon such right-of-way. Corner property at a highway intersection has a separate frontage along each highway.

Frontage road: A street or road auxiliary to and normally located alongside and parallel to a highway for purposes of maintaining local road continuity and for control of access.

Functionally Equivalent Services: Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Garage: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Geodetic marker: Any second order Class I geodetic control corner monument or third order Class I traverse point established by the Alachua County Horizontal Control Densification Survey of 1988/89 or any marker that is established and accepted by the National Geodetic Survey and/or Florida Department of Environmental Protection. Information on geodetic markers may be obtained from the Property Appraiser’s office and/or the County Engineer’s office.
**Geologic features:** A prominent or conspicuous characteristic of earth materials in the landscape. In Alachua County, prominent geologic features include sinkholes, caves, stream bluffs, escarpments, outcroppings, and springs.

**Good cause:** Impediments to submission of final development plan such as delays in securing permits from other agencies in a timely manner. Good cause does not include adverse market conditions, delays in securing financing, or self-imposed hardships resulting from the actions, or inaction, of the developer.

**Greenway:** A corridor of protected open space that is managed for conservation, recreation purposes. Greenways follow natural land or water features or abandoned railroad corridors or canals, and link natural reserves, parks, cultural and historic sites.

**Green roof:** A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Gross floor area:** The sum of the area of all floors of a building, measured from the exterior faces of all exterior walls or from the centerline of walls separating two buildings. Open porches, balconies, and carports are specifically excluded from the calculation.

**Groundcover:** Low growing plants planted in such a manner as to form a continuous cover over the ground, such as liriope, low growing varieties of honeysuckle, confederate jasmine, English ivy or like materials.

**Groundwater:** Water occurring beneath the surface of the ground or in the zone of saturation, whether or not flowing through known or definite channels.

**Ground truthing:** Verification on the ground of conditions on a site.

**Guyed tower:** A type of mount that is anchored to the ground or to another surface by diagonal cables.

**Gym:** see “Fitness Center”.

**Habitable Space:** A space in the structure for living, sleeping, eating or cooking. Bathroom, toilet compartments, closets, halls, screen enclosures, sunroom Categories I, II and III as defined in the AAMA/NPEA/NSA 2100, storage or utility space and similar areas are not considered habitable spaces.

**Habitat:** The natural abode of a plant or animal that contains the arrangement of food, water, cover and space required to meet the biological needs of a given species. Different species have different requirements, and these requirements vary over the course of a year.

**Habitat corridors:** A naturally-vegetated transportation route for plants and animals that connects larger natural areas. Wild plants and animals typically require avenues for dispersal to different feeding and breeding sites in order to survive.

**Habitat diversity:** The variety of habitat features and types in a specific area. Habitat diversity takes many forms: the variety of plants and animals on a site; structural diversity or the vertical arrangement of vegetation from canopy to forest floor; horizontal diversity or the distribution of habitat types across the landscape; and temporal diversity or habitat changes over time. Generally, areas with substantial habitat diversity will support more wildlife species than areas with less habitat diversity.
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**Hard core [pornography]:** Depictions of specified sexual activities that include one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration of a finger or male organ into any bodily orifice in another person; open female labia; penetration of a sex toy or other device into a bodily orifice of any person, sometimes assisted by another person; actual male ejaculation; or the aftermath of male ejaculation.

**Hardscape features:** Hardscape or hardscaping consists of the inanimate elements of landscaping, especially any masonry work or woodwork. For example, stone walls, concrete or brick patios, tile paths, walkways, wooden decks and wooden arbors shall be considered part of the hardscape.

**Hazardous material:** The liquid, solid, and gaseous materials designated in Section 353.26, "materials regulated," of the Hazardous Materials Management Code. This includes but is not limited to:

(a) Petroleum products as defined in section 353.23, "definitions." Aboveground petroleum product storage tank systems are subject to the provisions of the county hazardous materials management code.

(b) Wastes listed or characterized as hazardous wastes by the Administrator of the United States Environmental Protection Agency pursuant to the Solid Waste Disposal Act, as amended. This list is provided in title 40 (Protection of the Environment) of the Code of Federal Regulations, part 261, Identification and Listing of Hazardous Waste.

(c) Pesticides registered by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(d) Substances for which a material safety data sheet is required by the United States Department of Labor, Occupational Safety and Health Administration, pursuant to title 29 of the Code of Federal Regulations, part 1910.1200; however, only insofar as they pose a hazard to human health or the environment.

(e) Any material not included above which may present similar or more severe risks to human health or the environment. Such determination must be based upon competent testing or other objective evidence provided by the department.

**Hazardous waste:** Any solid waste as defined in 40 CFR, section 261.1, which is considered a hazardous waste pursuant to 40 CFR, section 261.3, and exhibits the characteristics identified in 40 CFR, part 261, subpart C, or is listed in 40 CFR, part 261, subpart D, or designated as provided in Section 353.03.

**Heavy machinery and equipment:** Machinery and equipment used for commercial, industrial and agricultural operations, including vehicles used for construction and demolition.

**Height AGL (above ground level):** For Personal Wireless Services Facilities, this is the distance measured from ground level to the highest point of a PWSF, broadcast including the antenna array. For purposes of measuring height, all antennas, lightning rods, or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.

**High aquifer recharge areas:** Those areas where stream-to-sink surface water basins occur, and those areas where the Floridan Aquifer system is vulnerable or highly vulnerable as depicted in the Alachua County Floridan Aquifer High Recharge Area Map adopted in the Alachua County Comprehensive Plan.
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**Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic preservation:** the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic resources or properties.

**Historic resource or historic property:** Any historic district, site, building, object, or other real or personal property of historical, architectural or archaeological value. These properties or resources may include, but are not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other objects or features with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state and Alachua County.

**Historic structure:** For the purposes of Chapter 406, Article 7, any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

**Home-based business:** Business or commercial activity conducted on a residential property which is accessory to the residential use of that property.

**Home-based business, general:** An accessory use of a dwelling unit in an area designated residential or agricultural on the Future Land Use Map for gainful employment involving a vocation, trade, or profession carried on by the occupant.

**Home-based business, rural:** An accessory use of a dwelling unit in an area designated agricultural on the Future Land Use Map for gainful employment involving a vocation, trade, or profession carried on by the occupant.

**Homeless shelter:** A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill, or a public or private building not ordinarily used for residential purposes, including accessory uses of places of worship or civic organizations.

**Homeowners’ association:** A private, nonprofit corporation, association, or other legal entity established by the developer for the benefit and enjoyment of the residents of a cluster development for the use, maintenance, operation and protection of common open space areas within such developments. This term also shall include condominium associations.

**Hospital:** An institution providing services of a medical nature to human patients, allowing for in-patient care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

**Hotel or Motel:** A building designed to provide accommodations for persons for temporary residence for compensation, with or without meals, with provisions for cooking in such rooms only in accordance with Alachua County fire regulations, and including customary accessory uses in connection with the principal use.

**Household:** A family whose relationship is of a permanent and distinctly domestic character, rather than resort or seasonal (occupancy of a dwelling for purposes of attending a college or university shall not be considered seasonal).

**Hunting camp:** A recreational facility established for the purposes of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides, and other customary accessory uses and facilities.
Hydroperiod: Period of time in which soils, waterbodies and sites are wet.

Imminent deficiency: An approaching deficiency in a public facility caused when the existing demand and capacity reserved for approved development through the issuance of a CLSC reaches 95 percent of the capacity of said facility at the adopted LOS standards.

Impervious surface: Land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.

Incidental food and beverage sales: Sales, storage, preparation, and service of food and/or beverages that occurs as an accessory use to an established commercial or industrial use, which may or may not be directly associated with that use.

Indoor Sports Training Facility: An indoor facility that provides training of amateur or professional athletes in a particular sport. These facilities typically operate on a by-appointment basis and provide very small student-instructor ratios. Programs at these facilities are designed to enhance the skills necessary to succeed in a particular sport rather than for general exercise as at a “Gym” or “Fitness Center”.

Industry: Industrial developments are characterized by the fabrication, manufacturing, transporting, warehousing or distribution of goods and any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition, form, size, shape, texture, or appearance is deemed to be an industrial process.

Industry, heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not generate a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which they are conducted.

Infrastructure Capacity Report for Alachua County: The report issued once each quarter as a supplement to the Alachua County Monthly Development Report and assessing the impacts of the approved development listed in the Alachua County Monthly Development Report upon the adopted level of service standards for those public facilities subject to concurrency management.

Inside radius: The inside or smaller curve radius connecting the edge of the driveway to the travelled way when the driveway angle is less than 90 degrees.

Invasive, nonnative vegetation: Any plant not indigenous to Florida, which exhibits, or has the potential to exhibit, noncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat.

Irrigation, High volume: An irrigation system with a minimum flow rate per emitter of more than 30 gallons per hour or higher than 0.5 gallons per minute.

Irrigation, Low volume: Any emitter or sprinkler that applies less than 30 gallons per hour (gph) or 0.5 gallons per minute (gpm).

Irrigation, micro: The frequent application of small quantities of water directly on or below the soil surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro-irrigation encompasses a number of
methods or concepts, including drip, subsurface, bubbler and micro-spray irrigation, previously known as trickle irrigation.

**Island**: A physical barrier or separation to direct the flow of traffic and/or to separate highway traffic from the activity on the adjacent property.

**Junk**: Any litter, debris, waste materials of any kind, dead or decaying vegetation or vegetative refuse, dead animals, used or unserviceable vehicle and machinery parts, used and nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and implements, but shall not include compost piles for normal, personal, noncommercial use.

**Karst**: Landforms that have been modified by dissolution of soluble rock (limestone or dolostones), and which may be characterized by sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

**Land application**: The act of disposing of sewage effluent and/or sludge on the earth’s surface. There are three primary types of land application: (1) overland flow, which includes depository sludge in landfills, (2) rapid rate infiltration, such as in percolation ponds, and (3) slow rate infiltration such as spray irrigation.

**Landfill, Class I**: A landfill facility that receives an average of twenty tons or more of solid waste per day.

**Landfill, Class III**: A landfill facility that receives only yard trash, construction and demolition debris, waste tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, and other materials approved by the Florida Department of Environmental Protection (FDEP) which are not expected to produce leachate which poses a threat to public health or the environment. Class III landfills do not accept putrescible household waste.

**Landscape materials**: Horticultural items such as plants, shrubs and trees, and accessory materials such as fertilizer, sod, pots and liners, mulch, wood chips, and irrigation systems.

**Large-scale comprehensive plan amendment**: An amendment to Alachua County Comprehensive Plan that does not meet the criteria of a small-scale comprehensive plan amendment pursuant to F.S. § 163.3187.

**Lattice tower**: A type of PWSF mount that consists of multiple legs and cross-bracing of structural steel.

**Letter of Map Change (LOMC)**: An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include LOMA, LOMR, LOMR-F and CLOMR:

- **Letter of Map Amendment (LOMA)**: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

- **Letter of Map Revision (LOMR)**: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

- **Letter of Map Revision Based on Fill (LOMR-F)**: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the
fill must have been permitted and placed in accordance with the community’s floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Level of service (LOS) standard:** The LOS standard adopted in the Alachua County Comprehensive Plan that will be used to determine whether adequate capacity will be available for a particular public facility to accommodate the impacts of a proposed development on the facility.

**Light-duty truck:** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

**Listed species:** Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI, includes species ranked as S1, S2, or S3). These species are targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction, are rapidly declining in number or habitat, or have an inherent vulnerability to habitat modification, environmental alteration, or human disturbance which puts them at risk of extinction.

**Littoral zone:** In reference to stormwater management systems, that portion which is designed to contain rooted aquatic plants.

**Livestock:** Includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals as recognized by the Florida Department of Agriculture.

**Living area:** That area of a dwelling unit which is enclosed, protected from the elements, and is heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas.

**Lot:** A piece, parcel, tract, or plot of land occupied or intended to be occupied by at least one use permitted in this ULDC, and including the required yards and shall include all lots of record included in such piece, parcel, tract, or plot of land, and all lots otherwise designated.

**Lot, corner:** Any lot situated at the intersection of two streets and abutting such streets on two adjacent sides.

**Lot, interior:** Any lot bounded on both sides by other lots.

**Lot coverage:** That percentage of the plot area covered or occupied by buildings or roofed portions of structures.

**Lot of record:**
A. A lot which had been assigned a parcel number by the Alachua County Property
Appraiser's Office prior to May 7, 1992, and which met the applicable regulations of
Alachua County at the time the lot was created;

B. A lot that was created by a deed or by a contract for deed executed prior to May 7, 1992,
and which met the applicable regulations of Alachua County at the time the lot was created;

C. A lot created by a separate legal description where a building permit has been issued for
residential purposes;

D. Lots created by either the County Commission or Board of Adjustment of Alachua County.

Lot line: The property line, abutting the right-of-way line, or any line defining the exact location
and boundary of the lot or property.

Low Impact Development (LID): An approach to land development that preserves and protects
natural-resource systems using various site planning and design approaches and technologies to
simultaneously conserve and protect natural resource systems while managing stormwater runoff.
The approach includes using engineered small-scale hydrologic controls to replicate the pre-
development hydrologic regime through infiltrating, filtering, storing, evaporating, and detaining
runoff close to its source.

Low-income: One or more natural persons or a family that has a total annual adjusted gross
income for the household that does not exceed 80 percent of the median annual gross income for
households, adjusted for family size, within the metropolitan statistical area.

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including
basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle
parking, building access or limited storage provided that such enclosure is not built so as to render
the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE
24. [Also defined in Florida Building Code, B, Section 1612.2.]

Management plan: A plan which addresses conservation and management of native vegetation
occurring within a specific area, as approved by the landowner or applicant on behalf of the
landowner, the Alachua County Office of Environmental Protection, the Florida Department
of Natural Resources or other public entity with maintenance responsibility for the adjacent
Preservation lands, and the Florida Game and Fresh Water Fish Commission in cases where listed
species are present or affected.

Manufactured building, DCA-approved: Any factory built structure, building assembly, or system
of subassemblies that is manufactured or constructed under the authority of F.S. §§ 553.35–553.42,
known as the Florida Manufactured Building Act of 1979. All such manufactured buildings must
meet the requirements of, and bear the insignia of approval of, the State of Florida Department of
Community Affairs.

Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or
more in width and greater than four hundred (400) square feet, and which is built on a permanent,
integral chassis and is designed for use with or without a permanent foundation when attached to
the required utilities. The term "manufactured home" does not include a "recreational vehicle" or
“park trailer.” [Also defined in 15C-1.0101, F.A.C.] This includes a mobile home fabricated on or
after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building
site, with each section bearing a seal certifying that it is built in compliance with the federal
Manufactured home park or subdivision: For the purposes of Chapter 406, Article 7, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured or mobile home park: A lot or parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of manufactured and mobile homes to be used for both living and storage purposes, and including the customary accessory uses such as owners’ and managers’ living quarters, restrooms, laundry facilities, utility areas, and facilities for parks and recreation.

Marina: A recreational facility established for the purposes of fishing or boating, which may provide in-water or dry storage of boats, food services, transportation, guides, boat rentals, and other customary accessory uses and facilities. Overnight accommodations may be provided at these facilities only by special exception.

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. The term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

Marquees and canopies: Any shelter, cover, or protection extending beyond the outer face of the building wall, of either rigid or nonrigid construction, designed and intended to be used for the purpose of shelter or protection for entrances and walkways.

Massage: Touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

Massage therapy: The profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobbies, and (iii) instruct self care and stress management. "Manual" means by use of hand or body.

Materials recovery facility: A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Nonrecoverable materials are transferred from the materials recovery facility and disposed of as solid waste.

Maximum service volume: The maximum capacity of a public facility based on the adopted LOS standard. For the purposes of roadway capacity, maximum service volume shall be determined by the latest Florida Department of Transportation (FDOT) generalized tables, a more detailed analysis such as FDOT’s Arterial Planning software, or the Highway Capacity Manual. Any such detailed analysis shall be subject to acceptance/approval by the Alachua County Public Works Department.

Media: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.

Median: The portion of a road separating the travel lanes for traffic.
Medical clinic or lab: An institution providing out-patient health-related care services including but not limited to medicine, dentistry, osteopaths, chiropractors, or opticians.

Medical marijuana dispensary: A dispensary organization approved by the Florida Department of Health pursuant to and in accordance with the regulations set forth in the ‘Compassionate Medical Cannabis Act of 2014’ (as amended on March 25, 2016 and codified in Section 381.986, Florida Statutes) to dispense low-THC and medical cannabis to Florida residents who have been added to the state compassionate use registry by a physician licensed under Chapter 458 or Chapter 459, Florida Statutes, because the patient is suffering from cancer or a physical condition that chronically produces symptoms of seizures or sever and persistent muscle spasms with no other satisfactory alternative treatment options or has a terminal condition as defined in s. 499-0295, F.S.

Mineral resource: The subsurface deposits of economic value, including but not limited to clay, limestone, peat, phosphate and sand.

Minimal Impact Activities: Activities that will have no significant adverse impact on the resource. Such activities may include installation of navigational aids marked consistent with the requirements of Section 327.40, Florida Statutes; construction and maintenance of public or private nature trails not more than ten (10) feet in width; installation of docks not in excess of one thousand (1,000) square feet in size, subject to performance standards, and other similar activities.

Minimum Descent Altitude: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure for which no electronic glide slope is provided.

Minimum Obstruction Clearance Altitude: The lowest published altitude in effect between radio fixes on Very High Frequency Omni Directional Range Station (VOR) airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Mining: The extraction of natural deposits from the earth which are regulated by the State of Florida under Part II of Chapter 211 and Chapter 378, Florida Statutes, and by Alachua County Ordinance 68, as may be amended or superseded by this ULDC.

Mining operation: A collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining permit: A valid operating permit for the conduct of mining operations.

Mining unit: Specified areas of land from which minerals are extracted in a specified period of time.

Mitigation: An action or series of actions that offsets adverse environmental impacts. Mitigation may consist of any one or a combination of monetary compensation, or acquisition, restoration, enhancement, or preservation of wetlands, other surface waters or uplands.

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

Mobile farmers market: A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.

Mobile home: A transportable, factory-built structure designed to be used as a year-round single-family residential dwelling and built prior to the enactment of the federal Manufactured Housing Construction and Safety Standards of 1974, which became effective for all mobile home...
construction on June 15, 1976 (previously known as the federal Mobile Home Construction and Safety Act).

**Moderate-income:** One or more natural persons or a family that has a total gross income for the household that is less than 120 percent of the median annual gross income for households, adjusted for family size, within the metropolitan statistical area.

**Monitoring wells:** Strategically located wells from which groundwater samples are drawn for water quality analysis.

**Monopole:** One type of self-supporting mount consisting of a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

**Mount:** The structure or surface to which antennas are attached.

**Motion picture arcade:** Any booth, cubicle, stall or compartment which is smaller than 500 square feet in floor area, which is designed, constructed or used to hold or seat customers, and which is used for presenting motion pictures or viewing publications for a fee by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines or periodicals) for observation by customers therein.

**Multifamily dwelling:** See “Dwelling, multifamily”.

**Museum:** An establishment serving as a repository for a collection of natural, scientific, technological, artistic, or literary objects of interest, designed to be viewed by the public with or without an admission charge.

**Native vegetation:** Vegetation occurring naturally in the north central Florida region without the influence of humans. Native vegetation is a comprehensive term that encompasses all plant life, including groundcover, grasses, herbs, vines, shrubs and trees that, based on current knowledge, are known to have been present regionally before the time of documented European contact (~ 1500 A.D.).

**Natural ground:** The surface of the earth as it exists prior to initiation of mining operations and includes the surface of any land previously mined in earlier operations, whether reclaimed or not.

**Natural resources:** Alachua County’s biological, physical, geological and hydrological components of the environment.

**Neighborhood convenience centers:** A planned commercial center consisting of a store or group of stores or shops under single ownership or management, not exceeding 20,000 square feet of gross leasable floor area, with common parking facilities, ingress and egress, loading and unloading facilities.

**New construction:** For the purposes of administration of Chapter 406, Article 7, and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after December 14, 1982 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision:** For the purposes of Chapter 406, Article 7, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 14, 1982.
**Non-native Vegetation:** Vegetation not natural to the north central Florida region, including prohibited non-native vegetation listed in F.A.C. 62C-52.011, Florida Prohibited Aquatic Plants List, and F.A.C. Rule 5B-57, Florida Noxious Weed List, as well as discouraged non-native vegetation listed in Table 406.08.4.

**Nonconforming building:** Any building or structure which existed lawfully at the time it was permitted, but that does not comply with the current regulations of the zoning district or the Comprehensive Plan land use designation in which it is located.

**Nonconforming lot:** Any lot of record which does not meet the minimum area required by this ULDC or the density requirements of the Comprehensive Plan land use designation in which the lot is located.

**Nonconforming structure:** Any building or structure, other than a sign, that was legally established but no longer complies with the standards of this ULDC or the Comprehensive Plan.

**Nonconforming use of building:** The lawful use of any building or structure for other than a use specifically permitted in the zoning district or the Comprehensive Plan land use designation in which the building is located.

**Nonconforming use of land:** The lawful use of any land other than a use specifically permitted in the district in which the lot or parcel of land is located.

**Nonprecision instrument runway:** A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document or military service’s military airport planning document.

**Non-profit conservation organization:** Any private organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection on the environment.

**Notice of activity:** Written or oral communication to the Department of Growth Management regarding the commencement of certain silviculture activities.

**Nursing home facility:** Any facility which provides nursing services as defined in Part I of Chapter 464, F.S. and which is licensed in accordance with Chapter 400, Part II, F.S. For the purposes of this definition a facility is defined as any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (Chapter 400, Part II, F.S.)

**Obstruction:** Any fill, structure, work, appurtenant work, or surface water management system placed in a floodway which may impede the flow of water or otherwise result in increased water surface elevations.

**Old Florida Heritage Highway:** Roads designated as a scenic highway pursuant to Section 335.093, Florida Statutes, which provides that the purpose for such designation is to preserve,
maintain, and protect a part of Florida's cultural, historical, and scenic routes for vehicular, bicycle and pedestrian travel.

**Off-site:** Any premises not located within the area of the property to be subdivided or otherwise developed, whether or not in the common ownership of the applicant for subdivision approval.

**Office use:** Business, professional, service, and governmental occupations, institutions and commercial activities not involved with the sale of merchandise.

**One-stop permitting:** The ability to obtain a single permit from the County and other appropriate agencies as a result of an inter-local agreement for the permitting and construction of stormwater management facilities associated with new development or modification to existing facilities.

**Open space:** Any natural, recreational, or common open areas, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

**Open space, common:** All open space, natural areas, and recreational areas which are within the part of a development designed and intended to be used in common by the owners, residents, or tenants of the development.

**Open space, usable:** Walkable outdoor area designed or used for public access, outdoor living, recreation or pedestrian access.

**Open system:** An open stormwater conveyance system associated with roadways constructed with roadside swales.

**Outside radius:** The outside or larger curve radius connecting the edge of the driveway to the edge of the travelled way.

**Outstanding Florida Waters (OFWs):** Surface waters that have been determined to be worthy of special protection as identified in Section 62-302.700, Florida Administrative Code. In Alachua County, these surface waters include Lochloosa Lake (including Little Lochloosa Lake, Lochloosa Lake Right Arm, and Lochloosa Creek upstream to County Road 20A); Orange Lake up to the U.S. Highway 301 bridge, the River Styx up to Camps Canal, and Cross Creek; and the Santa Fe River System (consisting of the Santa Fe River, Lake Santa Fe, Little Lake Santa Fe, Santa Fe Swamp, Olustee Creek, and the Ichetucknee River south of S.R. 27, but excluding all other tributaries). Also included are waters within state parks and preserves, such as Devil's Milhopper State Geological Site, the Marjorie Kinnan Rawlings State Historic Site, O’Leno State Park, Paynes Prairie Preserve State Park, River Rise Preserve State Park, and San Felasco Hammock Preserve State Park.

**Overburden:** A collective term for all earth materials overlying a subsurface mineral resource deposit, including topsoil, sand, clay, limestone, etc.

**Owner:** The record owners, including any person, group of persons, firm or firms, corporation or corporations, or another legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided.

**Package Treatment Plant:** Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. Essentially, this is a small treatment system consisting of a treatment plant and disposal system.

**Parent tract:** A lot of record that existed on October 2, 1991, the date of the Alachua County Comprehensive Plan adoption, or a parcel of land fronting on a public road and divided by an easement road approved by variance to Road Ordinance 18 prior to May 7, 1992.
**Park, public:** A piece of land that is owned by the State of Florida, Alachua County, or an incorporated municipality within Alachua County, that is developed and operated for active and/or passive recreational purposes, and that is open to the public on a regular schedule.

**Park trailer:** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

**Parking, shared:** Public or private parking that serves more than one use.

**Parking space:** An area specifically and permanently designated for the off-street parking or storage of vehicles that complies with the minimum parking design standards.

**Paved ground surface area:** Any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open-lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

**Pedestrian friendly:** A quality of access that includes a logical, unobstructed, comfortable path to a useful destination along frontages that are spatially defined and interesting, and safe from traffic.

**Pedestrian pathways:** Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

**Permanent foundation:** Any structural system for transposing loads from a structure to the earth by means of a poured-in-place foundation without exceeding the safe bearing capacity of the supporting soil and which is installed in accordance with and meets the requirements of the manufacturer's specifications or, in their absence, American National Standards Institute (ANSI) standards, or, in their absence, provisions of the Standard Building Code.

**Person:** Any individual, group of persons, firm, corporation, association, organization and any legal public entity.

**Personal Communication Services (PCS):** Mobile telephone service operating in the 1900 MHZ spectrum.

**Personal services:** Beauty parlor, shop or salon, barber shop, tanning salon, health and fitness facility, spa, weight control establishment, funeral homes, banquet halls or any similar use.

**Personal Wireless Service Facility (PWSF):** Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any facility for the transmission and/or reception of personal wireless services, which may consist of an antenna array, transmission cables, equipment shelter or building, access road, mount, and a guy system.

**Personal Wireless Services:** Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), Paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

**Pet rescue organization:** A structure that is owned, operated or maintained by a private or nonprofit organization that provides for the welfare and sale or adoption of domestic animals to private households, excluding overnight boarding.
**Place of worship:** Any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under Florida’s property tax law, where such building is primarily intended to be used as a place of worship and including customary accessory uses.

**Planned development:** An area of land developed as a single entity for a number of dwelling units and/or commercial and industrial uses, in accordance with a plan which does not necessarily comply with zoning district regulations for lot size, lot coverage, setbacks, off-street parking, height, bulk or type of dwelling, etc.

**Planned development, transfer of development (PD-TDR):** A planned development that facilitates the transfer of development rights, by allowing units of density to be transferred from one or more parcels (sending area) to one or more parcels (receiving area).

**Planning parcel:** The parcels included within the entire contiguous land area under common ownership or control as of May 2, 2005, even if the project proposal or application includes only a portion of such lands.

**Planting area:** Any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a least inside dimension on any side of 18 inches.

**Planting strips:** The strips of grass between the curb and sidewalk parallel to the street.

**Plat:** A map, prepared in accordance with F.S. ch. 177, on which the plan for a subdivision is prepared and submitted for approval with the intention of recording it in final form.

**Precision Instrument Runway:** A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on a FAA-approved airport layout plan, a military service’s approved military airport layout plan, any other FAA planning document, or a military service’s military airport planning document.

**Premises:** The extent of any lot, plot, parcel, or tract of land, with or without any buildings or structures thereon.

**Primary building line:** Measured from the frontage line, the line from which the primary building begins.

**Primary live entertainment:** That entertainment which characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**Private animal shelter:** A structure that is owned, operated or maintained by a private or nonprofit organization used for the care of 10 or more lost, abandoned, or neglected domestic animals, including pet rescue organizations with overnight boarding.

**Professional Engineer:** An engineer licensed by the State of Florida.

**Professional services:** The conduct of business in any of the following or related categories: law, architecture, engineering, medicine, dentistry, osteopaths, chiropractors, opticians, or consultants in these related fields.

**Property owners association:** An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision – be it a lot, parcel site, or any other interest – is automatically a member as a condition of ownership and each such member is subject to a charge or assessment.
for a pro-rata share of expense of the association which may become a lien against the lot, parcel, units, or other interest of the member.

**Public body**: Any government or governmental agency of Alachua County, the State of Florida, the United States government, or any municipality within Alachua County, Florida.

**Public facility**: One of the facilities for which a level of service standard is adopted in the Alachua County Comprehensive Plan.

**Public use**: The use of any land, water, or building by a municipality, public body or board, commission or authority, county, state, or the federal government, or any agency thereof, for a public service or purpose.

**Public water supply**: A natural or artificial system for the provision of water to the public for human consumption which includes public water supply systems, multi-family water systems, and springs.

**Radio Frequency Emissions**: The electromagnetic energy radiated from an antenna or antenna array. These emissions are the means by which information is transported without wires by PWSFs.

**Radio Frequency Engineer**: Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

**Rapid Infiltration Basin**: An artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation/seepage in addition to evaporative losses, also called a “percolation pond”.

**Real property**: Land or land and buildings.

**Receiving area (transfer of development rights)**: A property which may receive development rights from a sending area.

**Reclaimed water**: Wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

**Reclamation**: The filling, backfilling, restructuring, reshaping, and/or revegetation of lands within a mining or excavation and filling site to a safe and aesthetic condition in which lands may be beneficially used.

**Reclamation plan**: A plan which sets forth a procedure for reclamation of lands affected by a mining or excavation and fill operation.

**Reconstruction**: Rehabilitation or replacement of a structure or structures on property which either have been damaged, altered or removed or shall be altered to an extent exceeding 90 percent of the assessed valuation of such structure or structures or 90 percent of the combined assessed valuation of such structure and land as shown on the most recent tax roll of Alachua County, Florida.

**Recovered materials processing facility**: A facility designed and used for receiving, separating, storing, converting, baling, or processing of nonhazardous, nonputrescible recyclable materials that are not intended for disposal.

**Recreation, outdoor**: Outdoor recreation uses include public or private golf courses, tennis courts, ball courts, ball fields and similar outdoor sports and uses that are not in completely enclosed buildings. This shall also include any accessory uses, such as snack bars, pro shops, clubhouses, country clubs, maintenance buildings or similar uses that are designed and intended primarily for the use of patrons of the principal recreational uses or for the maintenance and servicing of the
facilities. This definition shall not include entertainment and recreation uses such as amusement parks, miniature golf, race car tracks or motorcross facilities or similar motorized sports.

**Recreation, resource-based:** Recreational activities that are essentially dependent upon the natural, scenic, or historic resources of the area provided the associated activities do not have significant adverse impacts on the ecological integrity or ecological or historical values of the resources in these areas.

**Recreational vehicle:** Any vehicle, not exceeding 40 feet in overall length or eight and one-half feet in width, designed and intended for recreational purposes, including trailers, travel trailers, boats, campers, pickup campers, buses, tent trailers, motor homes, and other similar vehicles with or without motive power, designed and constructed to travel on public thoroughfares. This includes a vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycling:** Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

**Rehabilitation:** Any work, as described by the categories described in the Florida Building Code, undertaken in an existing building.

**Repair:** The patchment, restoration and/or minor replacement of materials, elements, components, equipment and/or fixture for the purposes of maintaining such materials, elements, components, equipment and/or fixtures in good or sound condition, but not including alteration of the shape or size of any portion.

**Research, development or experimental lab:** A building or complex of buildings containing the facilities for scientific research, investigation, testing, or experimentation, but not for the manufacture or sale of products. This does not include medical, dental or ophthalmic labs where physicians, dentists or optometrists refer patients or write prescriptions for routine medical, dental or ophthalmic work.

**Recreational camp:** Land under single ownership and management having tents, buildings, or other shelters (not including recreational vehicles or mobile homes) for recreational or educational purposes, such as eco-tourism lodges, religious retreats, or children’s camps.

**Restaurant:** An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under roof of the main structure or in a courtyard adjoining the main structure.

**Restaurant, with drive-through:** Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments or beverages in automobiles from a walk-up or drive-through window on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.
Re-subdivision: Any change in a map of a recorded subdivision plat or map legally recorded prior to adoption of any regulations controlling subdivision that affects (1) any street layout on the map; or (2) any area reserved thereon for public use. For existing platted properties, a replat must be filed or the existing plat must be vacated in accordance with Chapter 402 Article 12.

Retail sales and services: Retail sales and services shall include those business activities customarily providing retail convenience goods. Such uses shall include department stores, variety stores, drug and sundry stores, home and automobile supply, furniture and appliances, hardware, package stores, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that all products made on the premises are sold on the premises), camera and photograph supply shops, radio and television sales and service, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, pawn shops, dry cleaners, electrical and lighting and similar uses.

Retention: The prevention of the discharge of a given volume of stormwater runoff by complete on-site storage.

Right-of-way: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, utility service, or any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Areas not included in lots intended for streets, crosswalks, water mains, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The right-of-way line shall be considered as the property line and all setback requirements provided in the County Zoning Regulations shall be measured from said right-of-way line, or except as may otherwise be provided.

Right-of-way line: A property line which bounds the right-of-way set aside for a road, utility service, or other special use. All setback requirements provided in these regulations shall be measured from said right-of-way line, except as may otherwise be provided.

Road: Any public or private right-of-way set aside for public travel 30 feet or more in width. The word "road" shall include the word "street," "avenue," "boulevard," "lane," "thoroughfare," and "highway" for such purposes.

Road centerline: The line midway between the road right-of-way lines, or the surveyed and platted centerline of a road, which may or may not be the line midway between the existing right-of-way lines.

Roof line: The top edge of the roof which forms the top line of the building silhouette or, for flat roofs with or without a parapet, the top of the roof.

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

Rooming house: A building designed to provide accommodations for persons for temporary residence for compensation, with or without meals, providing for no more than ten sleeping rooms, and which does not maintain a restaurant or cafeteria on the premises, including customary accessory uses in connection with the principal use.

Roundabout: A raised circular area constructed at the center of a three-way or four-way street intersection around which automobile traffic circulates.
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Article 3. Defined Terms

Rural kennel or cattery: An establishment not meeting the definition of a private animal shelter or animal sanctuary where more than 10 dogs, 10 cats or 10 ferrets are kept on premises for any purpose, commercial or otherwise, excluding any agricultural animals.

Sadomasochistic practices: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

Sanitary hazard: A physical condition which involves or affects any part of a drinking water system or raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system. Examples of sanitary hazards include drainage wells; commercial applications of pesticides or fertilizers, such as golf courses, nurseries and crop production sites; animal feeding operations; improperly abandoned wells; active or abandoned phosphate mines; pipelines carrying industrial chemicals; railroad yards; domestic wastewater; cemeteries; stormwater retention/detention basins; tanks or lagoons used to store, treat, or dispose of liquid wastes; cattle dipping vats; tomato or egg wash wastewater land application areas; or waste transfer stations.

Scenic corridor: A visual opening along a traveled route, such as a road, waterway, bike path, or pedestrian trail, that allows either glimpses or extended views of built or natural resources having historical or cultural significance or scenic beauty.

Scenic road: Any presently existing or future public roadway in the county system having historical or cultural significance or natural beauty as designated in Chapter 405 Article 9.

School, public: See educational facility, public

School, private: See educational facility, private

Screening: The method by which a view of one site from another site is shielded, concealed or hidden. Screening techniques may include one or a combination of the following: fences, walls, hedges, berms, existing natural vegetation or other features.

Security: A letter of credit, cash escrow or surety agreement provided by the applicant to secure its promises to complete the required public paving and drainage improvements associated with the subdivision within a specified time period following the final subdivision plat recording.

Security quarters: A manufactured home or single-family dwelling on the site of a nonresidential use, occupied by a guard or caretaker.

Seepage slope: Seepage slopes are wetlands characterized as shrub thickets or boggy meadows on or at the base of slopes. They often occur where water percolating through sands encounter an impermeable layer of clay or rock. These communities are usually dominated by hydrophytic shrubs or herbs such as fetterbush, titty, male berry, waxmyrtle, ferns, grasses, and grass-likes. Seepage slopes most closely resemble bog communities but occur on slopes rather than flat land.

Self-service storage facilities: A building or buildings consisting of individual, self-contained spaces within structures that are leased or owned for the storage of business and household goods.

Semi-public body: Includes churches and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

Sending area (transfer of development rights): A property from which development rights may be transferred to a receiving area.
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**Septage**: all solid waste containing human feces or residuals of such which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics.

**Septic system**: An onsite sewage treatment and disposal system that contains a standard subsurface, filled, or mound drainfield system; an aerobic or anaerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a grease interceptor; a dosing tank; a solids or effluent pump; a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. This term does not include package sewage treatment facilities and other treatment works regulated under F.S. ch. 403.

**Septic system, alternative**: An onsite sewage treatment and disposal system that provides advanced treatment of effluent.

**Service station**: Any business engaged primarily in the servicing of automotive vehicles, including the sale and delivery of fuel, lubricants, and other products necessary to the operation of automotive vehicles, including the sale and installation of accessories, tires, batteries, seat covers, tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, and brake service, but not including mechanical or body repair facilities, or the sale or major repair of vehicles or trailers.

**Settling pond**: An area surrounded by dams, dikes or masses of earth into which fluids are introduced for the intended purpose of separating suspended solid material from water.

**Setback**: The minimum horizontal distance between the lot lines and front, rear or side lines of the building, including steps, terraces, or any projection thereof. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining setbacks. Notwithstanding other provisions, all street sides of a corner lot shall be construed as having a "front setback."

**Sex shop**: A retail sales and services establishment that meets any of the following tests:

A. It offers for sale items from any two of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; or,

B. More than five percent of its stock in trade consists of sexually-oriented toys or novelties; or,

C. More than five percent of its gross public floor area is devoted to the display of sexually-oriented toys or novelties

**Sexual conduct**: The engaging in or the commission of an act of sexual intercourse, oral-genital contact, masturbation, or the touching of the sexual organs, pubic region, buttock or female breast of another person for the purpose of arousing or gratifying the sexual desire of another person.

**Sexually explicit media**: Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “sexual conduct” or “specified anatomical areas” (separately defined).

**Sexually oriented business**: An inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; massage parlor or shop.
unless operated by a massage therapist licensed by the State of Florida; retail sales and services falling into the category of sex shop or sexually oriented media shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

**Sexually oriented cabaret**: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the “primary live entertainment” is distinguished or characterized by an emphasis on the exhibiting of “sexual conduct” or “specified anatomical areas” for observation by customers therein. The fact that an establishment does not serve alcoholic beverages shall not remove it from classification as a “sexually oriented cabaret” if it otherwise falls under this definition.

**Sexually oriented media store**: A retail sales and services establishment that rents and/or sells media, and that meets any of the following three tests:

A. More than 30 percent of the gross public floor area is devoted to sexually oriented media; or

B. More than 30 percent of the stock in trade consists of sexually oriented media; or

C. It is advertised, marketed, or holds itself out in any forum as “XXX,” “adult,” “sex” or otherwise as a sexually-oriented business.

**Sexually oriented motion picture theater**: A cinema or motion picture theater which shows hard-core features on more than half the days that it is open, or which is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

**Shared parking**: See “Parking, shared”.

**Short-Term Residential Rental** – The rental of a room in a residence or the entire residence for less than 30 days when the use of the unit is consistent with the character and appearance of the surrounding neighborhood.

**Shrub**: Any self-supporting woody evergreen and/or flowering species.

**Sign**: Any attention-attracting device, fixture, placard, or structure that communicates information of any kind to the public, including those held or worn by a person. For the purposes of this ULDC, the term ‘sign’ shall not include the following objects: graveyard and cemetery markers, vending machines, gas pumps, onsite umbrellas, mail drop-off boxes, seasonal decorations left up no more than 60 days, a building’s architectural features, or a manufacturer’s markings on machinery or equipment. Additional sign definitions are located in Chapter 407, Article 3 Signs.

**Significant adverse impact (upon a natural resource)**: Direct contamination, alteration, or destruction, or that which contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to the degree that its environmental benefits are or will be eliminated, reduced or impaired, such that the activity will cause long term negative impacts on the natural resource.

**Significant geologic features**: Geologic features such as sinkholes, springs, caves, stream bluffs, escarpments, outcappings, and other karst features.

**Significant habitat**: Contiguous stands of natural upland plant communities which have been documented to support, and which have the potential to maintain, healthy and diverse populations of plants or wildlife.
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Silviculture: The art and science of producing and tending a forest by manipulating its establishment, composition and growth to best fulfill the objectives of the owner. This may, or may not, include timber production.

Single-family attached dwelling: See dwelling, single-family attached.

Single-family detached dwelling: See dwelling, single-family detached.

Sinkhole: A funnel-shaped depression in the land surface, generally in a limestone region, caused by solution processes and often resulting in connection(s) with subterranean passages and groundwater systems.

Slime: A waste product consisting of a mixture of water and fine solid particles and usually characterized by a high percentage of clay and clay-size particles.

Small-scale comprehensive plan amendment: An amendment to the Alachua County Comprehensive Plan Future Land Use Map which meets the following criteria:

A. The proposed amendment involves a use of 10 acres or fewer; and

B. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, however text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible; and

C. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of §163.3187, Florida Statutes.

Solid waste: Garbage, refuse, yard trash, clean debris, white goods, special wastes, ashes, sludge or other discarded material, including solid, semisolid, liquid, or contained gaseous material from domestic, commercial, industrial, mining, agricultural or governmental operations.

Solid waste transfer station: An intermediate waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Special Use Permit: A zoning approval that may be granted for a use not generally allowed within the unincorporated area of Alachua County but that, if controlled as to number, area, location, intensity, or relation to a neighborhood, would not be detrimental to the public health, safety, or general welfare. Such special use permits may be granted in accordance with the Comprehensive Plan and the requirements of this ULDC.

Special flood hazard area: An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in Florida Building Code, B Section 1612.2.]

Specialized Mobile Radio (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

Specified Anatomical Areas:

A. less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

B. human male genitals in a discernibly turgid state, even if completely and opaquely covered.
Spoil: Any displaced overburden, whether resulting from material dumped by dragline excavation or water-deposited material from hydraulic dredging.

Spring: A point where ground water emerges onto the earth’s surface, including under any surface water of the state, as well as seeps. The term spring shall include karst windows, which are depression openings that reveal portions of a subterranean flow or the unroofed portion of a cave. It shall also include spring runs, whose flow is predominantly composed of spring discharge.

Springshed or Spring Recharge Basin: Those areas within ground and surface water basins that contribute to the discharge of a spring.

Square: An open space surrounded by a minimum of 75 percent of its perimeter by streets, totaling at least one half acre in area.

Standards: Guidelines or measures provided in these regulations by which acceptability of a use is determined.

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in Florida Building Code, B Section 1612.2.]

Steep slope: Any topography having a slope of greater than or equal to five percent.

Stormwater: The flow of water which results from, and which occurs immediately following a rainfall event.

Strategic Ecosystems: Sites that are identified in the KBN/Golder Associates report, “Alachua County Ecological Inventory Project” (1996).

Street: An access way designed and used primarily for vehicular transportation purposes, which may feature within its right-of-way limits pavement, curbs, medians, sidewalks, bikeways, swales, slopes and parking lanes. Access ways and driveways designed as part of or access to parking lots to accommodate on-site parking requirements are excluded from this definition.

Street, major: Those streets listed in the Average Annual Daily Traffic Highway Level of Service Report produced by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, or any street with a functional classification of collector or higher.

Street, publicly-maintained: Any street maintained and operated by a governmental entity (state, county or city) whether there is deeded ownership or not.

Street, privately-maintained: Any street maintained and operated by a private entity (Developer or Property Owners’ Association) whether there is deeded ownership or not.

Street line: That line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.
Structure: Anything constructed or erected that requires a location on the ground or attached to something having location on the ground.

Stub street or stub-out street: A street that terminates at the edge of a proposed site for development and that is intended for future extension and connection to adjacent development or redevelopment.

Subdivision: The division of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.

Substantial construction: All required permits necessary to continue the development have been obtained; permitted clearing and grading has been completed on a significant portion of the development subject to a single final development order; and the actual construction of buildings or water and sewer lines, streets, or the stormwater management system has been completed on a significant portion of the development or is progressing in a manner that significantly moves the entire development toward completion of construction.

Substantial damage: For the purposes of Chapter 406, Article 7, damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in Florida Building Code, B Section 1612.2.]

Substantial improvement: For the purposes of Chapter 406, Article 7, any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred “substantial damage,” any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in Florida Building Code, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure’s continued designation as a historic structure and the alteration is approved by variance issued pursuant to Chapter 406, Article 7, section 406.57.2.

Surface mining: The extraction of mineral resources from the earth by any process involving the removal of overburden materials to provide access from the surface to the mineral deposit.

Surface parking: A ground-level parking area for motor vehicles where there is no building or structure above the parking.

Surface waters: Rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface.

Survey, boundary: A survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

Survey, topographic: A survey of selected natural and artificial features of a part of the earth’s surface to determine horizontal and vertical spatial relations.
Surveyor: A surveyor registered in Florida under F.S. 472, who is in good standing with the Department of Business and Professional Regulation, Division of Professions, Board of Professional Surveyors and Mappers.

Swale: An open shallow channel that is covered with vegetation on side slopes and bottom and is designed to collect and slowly convey runoff flow to downstream discharge points.

Theater, sexually-oriented: A cinema or motion picture theater which shows hard-core features on more than half the days that it is open, or which is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

Thickening pond: An area surrounded by dams, dikes or masses of earth into which fluids are introduced for the purpose of reducing the water content of mineral deposits during processing of mining operations.

Tower: A mount constructed for the primary purpose of supporting antennas and other PWSF components.

Trailer: Any portable or movable structure or non-self-propelled vehicle not used for living purposes, but used for moving or hauling freight, equipment, or merchandise.

Transfer of Development Rights: A device by which the development potential of a property is severed from its title and made available for transfer to another location.

Transferee: The owner of a property within a receiving area that purchases or otherwise acquires transferable development rights from another property.

Transferor: The owner of a property within a sending area that transfers rights to develop to another property.

Transit: Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus or passenger vans operating on a demand responsive basis and associated park and ride facilities.

Traveled way: The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes (travel lanes).

Tree canopy: The area of the property that contains coverage by trees and consists of the total crown spreads or drip-lines of all trees existing on-site.

Tree, champion: Those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. The current list of champion trees in Alachua County is on file in the Department of Growth Management.

Tree, heritage: All native tree species, except water and laurel oaks, 20 inches or greater in diameter at a point four and one half feet above ground level, and all nonnative trees and water and laurel oaks 30 inches or greater in diameter.

Tree, regulated: Champion and Heritage trees; any woody native tree species 8” or more in diameter at breast height (dbh); and those small specimen trees specifically identified in Table 406.16.1 in Article 2, Chapter 406 of this ULDC.

Tree, specimen: A tree which has been identified by the County to be of notable interest or high value because of its age, size, species, condition, historic association, or uniqueness.
Unauthorized materials: Materials not normally associated with an approved mining or excavation and fill operation that pose a threat to water or natural resources located on or adjacent to the area where such operations are being conducted.

Unincorporated area: Any land in Alachua County not lying within the boundaries of a duly incorporated village, town, or municipality.

University: See ‘College’

Urban Cluster: An area designated on the Future Land Use Map for urban development, which includes residential densities ranging from one unit per acre to 24 units per acre or greater, non-residential development, and is generally served by urban services.

Use: Any activity, function, or purpose to which a parcel of land or building is put.

Use, principal: A use that may be legally established on a lot and that is not dependent on any other use.

Use, accessory: Activities established as secondary, in support of, and dependent upon the principal use.

Utilities, major: Facilities such as electric generation plants, high power transmission lines and substations, solar power generation facilities, major gas distribution lines, water purification plants and sewage treatment and disposal plants.

Utilities, minor: Facilities such as pumping and switching stations.

Utility runway: A runway that is constructed for and intended to be used only by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Utility structure: A relay station, wastewater lift station with a flow capacity of 2,000,000 gallons per day (MGD) or greater, substation, and similar structures, transmitter tower, or transmission line designed to carry in excess of 100 kv of electricity. This term does not include the transmission or reception of television or radio signals in conjunction with the use of a residential dwelling.

Value-added good: A product derived from the processing of a raw agricultural product or products that changes its physical state or form so as to enhance its value, such as milling wheat into flour or turning berries into jam.

Variance: A modification of the zoning regulations when such will not be contrary to the public interest and when, due to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in zoning districts or classifications.

Vehicle: Every device capable of being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway, including any watercraft, boat, ship, vessel, barge, or other floating craft, or which is used exclusively upon stationary rails or tracks, or which is used exclusively for agricultural purposes.

Vehicle sales and service: The sale or storage of new and used vehicles, service stations, paint and body repair shops, automotive repair garages, and including the sales and servicing of any vehicle component.
Very low-income: One or more natural persons or a family that has a total annual gross income for the household that does not exceed 50 percent of the median annual gross income for households, adjusted for family size, within the metropolitan statistical area.

Viable: Having the capacity to live and develop, unaided by human intervention, into the indefinite future.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indication on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Wastewater: The combination of liquid and water-carried pollutants from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface runoff or leachate that may be present.

Wastewater treatment facilities: Any or all of the following: the collection/transmission system, the treatment plant, and the reuse or disposal system.

Water consumption: The total quantity of water utilized during a specified period of time by a mining or excavation operation, including that water required for mineral extraction, processing and chemical processing.

Water Management District: Any flood control, resource management, or water management district operating under the authority of Chapter 373, Florida Statutes. Unless otherwise stated, water management district shall refer to either or both, the St. Johns River Water Management District or the Suwannee River Water Management District.

Water table: That surface in an unconfined water body at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body just far enough to hold standing water.

Watercourse: A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Waterfront: Any site shall be considered as waterfront property provided that any portion of such property physically abuts any body of water, including creeks, canals, rivers, lakes, or any other body of water, natural or artificial, but excluding swimming pools and drainage facilities which do not permit any type of sport or recreational pursuit.

Watershed: Land area included in a natural drainage basin for a river, stream or body of water.

Watershed Resources: Natural functions or systems that affect stormwater discharge characteristics within a specific watershed.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system(s). For the purposes of this chapter, geotechnical borings greater than 20 feet in depth shall be included in the definition of "well."

Well, Private Potable: A well that provides piped water for one to four residences, one of which may be a rental residence. This does not include wells used only for irrigation.
Well, Public Water Supply: any community public water systems and non-transient non-community public water systems that provide water to the public.

Community water system: a public water system which services 15 service connections used by year-round residents or regularly serve at least 25 year-round residents.

Non-transient non-community public water system: a public water system that is not a community water system and that regularly serves at least 25 of the same people for over 6 months per year.

Well, Non-community Public: A public water system that serves a transient population of at least 25 people per day at least 60 days per year or has a minimum of 15 non-residential service connections.

Well, Limited Use: A limited use commercial public water system which provides piped potable water to one or more non-residential establishments, and a limited use community public water system which provides piped potable water to five or more private residences or two or more rental residences.

Wellfield Protection Areas: Identified areas surrounding public water supply wells which are potential critical aquifer recharge areas or surface and groundwater areas with significant risk of contamination of public water supply from overlying land uses within the area.

Wetlands: Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and, under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Wholesaling, warehousing, storage and distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of flammable materials or hazardous wastes.

Wildfire: An uncontrolled fire, burning vegetation, structures, or other improvements.

Wildlife refuge: An undeveloped, officially designated area that preserves and provides natural habitat for native animal species.

Wireless communications: Any form of conveying information between locations without physical connections.

Wood processing facility: A facility that processes, assembles and sells wood products or byproducts. Products produced from a wood processing facility may include products such as compost, wood chips, lumber, fuel or soil amendment or any combination of such materials.

Xeriscape landscaping: Landscape methods that conserve water and protect the environment through the use of native, drought-tolerant plants and planting techniques.
Yard: The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and building line.

Yard, front: The yard extending across the entire width of the lot between the front lot line and the front building line. The lot line of a lot abutting a public street shall be deemed the front lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two streets not intersecting on a corner of the lot shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

Yard, rear: The yard extending across the entire width of the lot between the rear lot line and the rear building line. The rear lot line shall be the lot line farthest removed from the front lot line.

Yard, side: The yard extending from the front building line to the rear building line between the side lot line and the side building line.

Zoning Administrator: The term "Zoning Administrator" shall mean the Director of the Growth Management Department or their designee.

Zoning district: Any unincorporated area of Alachua County, Florida, as an area subject to zoning, and identified on the Zoning Map of Alachua County, Florida, assigned a zoning classification as indicated on said map, consisting of any one of the several zoning districts as set forth and established in these regulations. Reference to the word "district" shall mean zoning district.