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# ALACHUA COUNTY CODE

## CHAPTER 39.5. HOUSING INITIATIVES PARTNERSHIP

### Sec. 39.5.07. Same -Administration and implementation.

- (a) The Alachua County Department of Community Support Services, effective as of Month XX, 2023. ~~Department of Growth Management~~ shall be responsible for implementation and administration of the local housing assistance program.
- (b) All or part of the administrative or other functions of the local housing assistance program may be contracted to a third person or entity, at the Board of County Commissioners' discretion, under the direct oversight of the ~~department of growth management~~ Alachua County Department of Community Support Services, effective as of Month XX, 2023.
- (c) In administering the local housing assistance program, the responsibility of the ~~department of growth management~~ Department of Community Support Services, effective as of Month XX, 2023, shall include:
  - (1) Working with the local housing partnership to monitor the success of the local housing assistance program, and providing advice and suggestions as to whether and in what ways the local housing assistance program might be improved from year to year.
  - (2) Coordinating with the Florida Housing Finance Agency in facilitating the funding of State Apartment Incentive Loan (SAIL) Program loans and in setting up advertisements and workshops to advise potential homebuyers of the Homeownership Assistance Program (HAP) and inform nonprofit developers and other eligible local organizations of the Housing Predevelopment Trust Fund (HPTF) Program.
  - (3) Working with the local housing partnership to coordinate local programs, such as community loan funds, inclusionary housing programs and linkage programs, with state programs, such as the Housing Predevelopment Trust Fund, Homeownership Assistance Program (HAP), Single-Family Mortgage Revenue Bond (MRB) Program, and State Apartment Incentive Loan (SAIL) Program, and with federal programs, such as the Community Development Block Grant (CDBG) Program, Home Investment Partnership Program (HOME), Low-Income Housing Tax Credit (LIHTC) Program, and Section 8 Rental Assistance so as to maximize the production of eligible housing through the local housing assistance program.
  - (4) Selection of eligible persons and eligible sponsors for funding based on selection and eligibility criteria in the local housing assistance plan approved by the county.
- (d) The total amount paid for any administrative expenses in connection with the local housing assistance program shall not exceed ten percent of the proceeds of the local

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housing distribution; however, if the Board of County Commissioners or its designee wishes to spend more than five percent on administrative expenses, such expenditure must be approved by resolution of the Board of County Commissioners.

- (e) The county shall not treat as administrative expenses any costs previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.
- (f) In implementing the local housing assistance program, the Board of County Commissioners shall:
  - (1) Advertise the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of any application period.
  - (2) Adopt a maximum award schedule or system of awards to comply with the following criteria:
    - a. At least 65 percent of the funds shall be reserved for homeownership for eligible persons.
    - b. At least 75 percent of the funds shall be reserved for construction, rehabilitation or emergency repair of eligible housing.
    - c. The sales price of new or existing eligible housing shall not exceed 90 percent of the median area purchase price in the area where the eligible housing is located, as established by the United States Department of Treasury in accordance with section 3(b)2 of the United States Housing Act of 1937.
    - d. All units constructed, rehabilitated or otherwise assisted with program funds shall be occupied by very low-income, low-income or moderate-income persons and persons who have special housing needs. At least 30 percent of units must be occupied by very low-income persons and at least another 30 percent by low-income persons. The remainder may be occupied by persons who have special housing needs, very low-income, low-income or moderate-income persons.
    - e. The amount of monthly mortgage payments or the amount of monthly rents charged by the eligible sponsor or its designee must be affordable to eligible persons.
    - f. Loans shall be provided for periods not exceeding 30 years except for deferred payment loans or loans that extend beyond 30 years which continue to provide eligible housing for eligible persons.
    - g. Assistance to eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance program may be provided as a grant or may be subject to subsidy recapture provisions as specified in the local housing assistance plan approved by the county.

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- h. Eligible rental housing constructed, rehabilitated or otherwise assisted from proceeds provided from the local housing assistance program shall be reserved for eligible persons for the greater of 15 years or the term of the assistance. Eligible sponsors who offer eligible rental housing for sale before 15 years or that have remaining mortgages funded under the local housing assistance program must give a first right of refusal to eligible nonprofit organizations for purchase for continued occupancy by eligible persons.
  - i. The cost per unit and the maximum cost per unit for eligible housing benefiting from awards made pursuant to the local housing assistance program shall be established by resolution.
  - j. A qualification system for applicants for awards consistent with the intent of the local housing assistance program and F.S. §§ 420.907—420.9079 shall be established.
  - k. Annually monitor and determine tenant eligibility and amount of subsidy pursuant to the provisions of this Chapter, F.S. §§ 420.907—420.9079, and rule 9I-37.015, Florida Administrative Code.
- (3) The county, the local housing partnership and all eligible sponsors shall not discriminate in the loan application process of eligible persons for eligible housing on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin or handicap.
  - (4) The county shall comply with all rules and regulations of the Florida Housing Finance Agency in connection with required reporting by the county of compliance with its local housing assistance program.
  - (5) Prior to receiving an award, all eligible persons or eligible sponsors shall enter into an agreement to comply with the affordable housing criteria provided under F.S. §§ 420.907—420.9079 and this Chapter. All eligible persons or eligible sponsors shall include in the deed transferring ownership of the property to the eligible person or eligible sponsor a covenant agreeing to comply with the terms of the above described laws, which covenant will run with the land, or, in the alternative, the agreement may be made a part of the mortgage agreement. Failure to comply with the covenant in the mortgage shall result in a default of the mortgage with all remedies and rights for enforcement inuring to the benefit of the county.
  - (6) Eligible sponsors receiving assistance from both the State Housing Initiative Partnership (SHIP) Program and the Low-Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability and other LIHTC requirements. Similarly, any eligible housing receiving assistance from SHIP and other federal programs shall be required to comply with any requirements specified by the federal program in addition to SHIP requirements.

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# UNIFIED LAND DEVELOPMENT CODE

## ARTICLE IV. NOTICE OF HEARINGS

### Sec. 402.14. Procedure for ~~mailed~~ written notice.

When required, as shown in Table 402.12.1, notice shall be ~~mailed or emailed~~ provided to all individuals and property owners as indicated below. Notice for neighborhood workshops shall be mailed by the applicant.

(a) *To whom provided.*

- (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, ~~abutting adjacent~~ to the land subject to the application shall be emailed ~~mailed a written~~ a notice of a public hearing or workshop.
- (3) *Alachua County School Board.* The Alachua County School Board shall be emailed 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~~ All property owners. All property owners within seven hundred-fifty (750) ~~five hundred (500)~~ feet of the boundaries of the parcel(s) subject to the property ~~for application~~ shall receive notice.
  - b. ~~Abutting~~ Properties designated rural agriculture. If the subject parcel(s) is located in an area designated rural/agriculture on the future land use map, all property owners within one thousand five hundred (1,500) ~~three hundred twenty (1,320)~~ feet of the boundaries of the parcel(s) subject to the property ~~for application~~ shall receive notice.
  - c. *Neighborhood and property owners' associations.* If any dwelling within the required notification area is part of a neighborhood association or property

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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 an email, at minimum, with the agendas for public meetings that consider development applications in Alachua County.

(5) Expanded written notice for specified uses. An application specified as institutional or industrial use shall notify all properties owners within one-half mile (2,640 feet) of the boundaries of the parcel(s) subject to the application.

(b) *Mailing and postmarking.*

- (1) *Timing of mailed notice.* For any application requiring mailed notice, such notice shall be mailed a minimum of fifteen (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;~~

(1) A copy of the notice of publication; and

(2) A copy of the mailed notice; and

(3) A copy of the attendance sheet; and

~~(4)~~ The name and address list of property owners, neighborhood and property owners' associations, registered associations and individuals, and jurisdictions to whom the mailed notices were provided.

### **Sec. 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.

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- (1) For published notice required by F.S. § 125.66 or F.S. § 163.3184, the standards of those sections shall apply. In addition, the notice shall contain the information as required by Section 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 Section 402.13 of this ULDC; and
  - c. The advertisement shall be published no less than seven (7) days prior to the date of the public hearing.

### Sec. 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.
  - (5) Applicant or agent name and a phone number to contact.
- (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~~ within forty-eight (48) hours after the application has been accepted for review 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 four hundred (400) feet for properties within the Urban Cluster and maximum intervals of

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one thousand three hundred twenty (1,320) feet for properties outside of the Urban Cluster. They shall be set back a maximum of five (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 (1) 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) *Additional locations.* Additional signs as required by the Director or their designee.
- ~~(4)~~ *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 seventy-two (72) hours after the posting, certifying that the signs were posted in compliance with the standards of this Section. Applications will not be considered complete until the notarized posted notice affidavit has been received. The Director, or their designee, 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 ten (10) days after final action on the application.

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ARTICLE IV. NOTICE OF HEARINGS

Table 402.12.1 Required Public Notice for Development Applications				
Proposal	Types of Public Notice			
	<del>Mailed</del> <u>Written</u>	Published	Posted	Neighborhood Workshop
Comprehensive Plan Amendment, text		X		
Comprehensive Plan Amendment, map	X	X	X	X
ULDC Text Amendment		X		
Rezoning, or Rezoning to Planned Development, Special Exception, Special Use Permit (including Major Amendments)	X	X	X	X
Minor Amendment to Planned Development, Special Exception or Special Use Permit	X	X	X	
Development Plan, heard by DRC		X	X	
Preliminary Development Plan, Exceeding thresholds	X	X	X	X
Plat or Replat		X		
Variance		X	X	
Scenic Road Variance	X	X	X	
Activity Center Master Plan	X	X	X	X
Neighborhood Workshop	X	X		
Preliminary CLSC		X	X	
Final Redevelopment Plan		X	X	
<del>Distribution</del> Electric Substation Siting in Residential Area, <u>heard by BoCC</u>				X



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### ARTICLE XVII. SPECIAL EXCEPTIONS

#### **Sec. 402.112.5. Limitations on Special Exceptions**

If the BOCC denies an application for a Special Exception for a property, the applicant shall not resubmit an application for a Special Exception on any part of the same property for the same use for a period of twelve (12) months from the date of the denial of the Special Exception.

### ARTICLE XVIII. SPECIAL USE PERMITS

#### **Sec. 402.123.5. Limitations on Special Use Permits**

If the BOCC denies an application for a Special Use Permit for a property, the applicant shall not resubmit an application for a Special Use Permit on any part of the same property for the same use for a period of twelve (12) months from the date of the denial of the Special Use Permit.

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### ARTICLE IX. STORMWATER MANAGEMENT

#### Sec. 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:
- (1) Chapter 62-330, Florida Administrative Code (F.A.C.), Environmental Resource Permitting;
  - (2) Chapter 40B-4, Florida Administrative Code (F.A.C.), Suwannee River Water Management District, Works of the District Permits;
  - (3) Chapter 62-4, F.A.C., Department of Environmental Protection, Permits;
  - (4) Chapter 62-25, F.A.C., Department of Environmental Protection, Regulations of Stormwater Discharge (repealed);
  - (5) Chapter 62-302.700, F.A.C., Department of Environmental Protection, Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters;
  - (6) Chapter 62-621, F.A.C., Department of Environmental Protection, Generic Permits;
  - (7) Chapter 62-624, F.A.C., Department of Environmental Protection, Municipal Separate Storm Sewer Systems;
  - (8) Chapter 77, Code of Ordinances, Alachua County, Florida, Water Quality Standards and Management Practices;
  - (9) Chapter 353, Code of Ordinances, Alachua County, Florida, Hazardous Waste;
  - (10) Chapter 406, Article VI, Surface Waters and Wetlands;

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- (11) The Florida Stormwater, Erosion and Sedimentation Control Inspector's Manual, State of Florida Department of Environmental Protection;
  - (12) Florida Development Manual: A Guide to Sound Land and Water Management, and Drainage Manual, State of Florida Department of Transportation.
  - (13) A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO); and
  - (14) MTPO Urban Design Policy Manual, prepared for the Metropolitan Planning Organization for the Gainesville Urbanized Area by the North Central Florida Regional Planning Council.
- (c) *Standards.* 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. 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.
  - (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.
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- (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 (3) feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom and sides of the basin. Excavation and backfill with suitable material may be required to provide reasonable assurance of adequate treatment of stormwater before it enters the Floridan aquifer.
  - b. Stormwater basin depth should be as shallow as possible with a horizontal bottom;
  - c. Maximum stormwater basin depth of ten (10) 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:
    - 1. More than three (3) feet of soil material between limestone bedrock surface and the bottom and sides of the stormwater basin.
    - 2. Basin liners—clay or geotextile.
    - 3. Sediment sumps at stormwater inlets.
    - 4. Off-line treatment.
    - 5. Paint/solvent and water separators.
    - 6. Trash traps.
    - 7. Hydrodynamic separators.
  - f. Utility line 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 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 Alachua County Water Quality Standards and Management Practices (Chapter 77, Code of Ordinances) 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.
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- (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 (6) feet per day. The maximum allowable rate in the unconfined zones shall be twenty (20) feet per day. A safety factor of two (2) 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 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 (6) 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 the 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 seventy-two (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 fourteen (14) days, following the end of the storm event, assuming average antecedent moisture conditions. For dry basins with no

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- outfall, the above criteria for recovery shall apply or sufficient retention volume shall be provided above the stage of recovery at the end of fourteen (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 (6) 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 (1) foot above the design high water elevation of the basin and shown as such on all related development plans and plats, except as approved by the County Engineer.
- (12) Reasonable maintenance access to all stormwater management facilities must be provided. This accessway shall have a minimum width of five (5) feet, except as provided for in Section 407.95 or in cases where the side slopes are no steeper than 8H:1V. A minimum of twenty-five (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 (9) 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.
- (17) 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 one-half ( $\frac{1}{2}$ ) of the specified treatment volume between sixty (60) and seventy-two (72) hours following the storm event. If the wetland alone cannot provide the treatment volume, then other best management
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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 Section 407.91.

- (18) ~~Rainfall volumes shall be taken from the Florida Department of Transportation Drainage Manual.~~ The rainfall volumes in Table 407.91.1 shall be used for all stormwater calculations.

<b><u>Table 407.91.1</u></b> <b><u>RAINFALL VOLUMES</u></b>	
<b><u>Storm</u></b>	<b><u>Volume (Inches)</u></b>
<u>100 Year -1 Hour</u>	<u>4.40</u>
<u>100 Year – 2 Hour</u>	<u>5.40</u>
<u>100 Year – 4 Hour</u>	<u>6.72</u>
<u>100 Year – 8 Hour</u>	<u>8.00</u>
<u>100 Year – 24 Hour</u>	<u>11.04</u>
<u>100 Year – 3 Day</u>	<u>13.80</u>
<u>100 Year – 7 Day</u>	<u>16.00</u>
<u>100 Year – 10 Day</u>	<u>18.00</u>

- (19) 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.
- (20) 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.
- (21) 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 for 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-way and shall comply with the requirements of Section 406.57, 407.91, 407.94 and 407.141 of this ULDC.

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### ARTICLE XI. UTILITIES

#### Sec. 404.50.6 ~~Distribution~~ Electric Substation

In accordance with Florida Statute §163.3208, ~~Distribution~~ Electric Substations are permitted as a limited use in all zoning districts except C-1 and Preservation, with the following standards:

1. For placement or construction of an an ~~Distribution~~ Electric Substation in a residential area. Exception for solar facility substations in F.S. 163.3205(2)(c).
  - a. Before ~~Prior to~~ development plan submittal for an an ~~Distribution~~ Electric Substation where the substation infrastructure is within one quarter mile of a residence or within a residential zoning district, the Utility shall provide locational information to the Growth Management Department regarding their preferred site and three reasonable alternative sites including nonresidential areas after holding a neighborhood workshop in accordance with Article V of this Chapter. The Neighborhood Workshop must include mailed notification as provided in Article V of this Chapter for the preferred and all alternative sites.
  - b. Within 90 days of submittal of all necessary and required information, the Growth Management Director shall make a recommendation for the ~~Distribution~~ Electric Substation site selection to the Board of County Commissioners for their review and final site determination.
  - c. If the Utility and the Board of County Commissioners are unable to reach agreement on an appropriate site, the ~~Distribution~~ Electric Substation site determination shall be submitted to mediation in accordance with the provisions of Florida Statute §163.3208(6)a.
  - d. Once final site selection has been agreed upon, the application for an an ~~Distribution~~ Electric Substation can be submitted for review through the development review process consistent with this ULDC and Florida Statute §163.3208(8).
2. All ~~Distribution~~ Electric Substations shall provide a high-density buffer with vegetation and screening consistent with Table 407.43.2, Article IV, Chapter 407, and shall be of the minimum widths provided in the table below. Vegetative buffers and screening shall not be required to have a mature height in excess of 14 feet within aerial access points to the substation equipment. A security fence shall be required to protect the substation equipment.

Adjacent Existing Land Use	Buffer Width
Residential	100'
All other uses	75'



## Code Revision Language

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### ARTICLE III. - DEFINED TERMS

~~Distribution~~**Electric Substation**, as defined in Florida Statute §163.3208, including accessory administration or maintenance buildings and related accessory uses and structures, takes electricity from the transmission grid and converts it to another voltage or a lower voltage so it can be distributed to customers ~~in the local area on the local distribution grid~~ through one or more ~~distribution lines less than 69 kilovolts in size.~~

DRAFT

## ARTICLE IV - NOTICE OF HEARINGS

Table 402.12.1 Required Public Notice for Development Applications				
Proposal	Types of Public Notice			
	<del>Mailed</del> <u>Written</u>	Published	Posted	Neighborhood Workshop
Comprehensive Plan Amendment, text		X		
Comprehensive Plan Amendment, map	X	X	X	X
ULDC Text Amendment		X		
Rezoning, or Rezoning to Planned Development, Special Exception, Special Use Permit (including Major Amendments)	X	X	X	X
Minor Amendment to Planned Development, Special Exception or Special Use Permit	X	X	X	
Development Plan, heard by DRC		X	X	
Preliminary Development Plan, Exceeding thresholds	X	X	X	X
Plat or Replat		X		
Variance		X	X	
Scenic Road Variance	X	X	X	
Activity Center Master Plan	X	X	X	X
Neighborhood Workshop	X	X		
Preliminary CLSC		X	X	
Final Redevelopment Plan		X	X	
<del>Distribution</del> Electric Substation Siting in Residential Area, <u>heard by BoCC</u>				X

CHAPTER 404 - USE REGULATIONS

ARTICLE II. USE TABLE								P = Permitted Use by Right L = Limited Use SE = Special Exception SU = Special Use Permit									A = Accessory Use Blank Cell = Prohibited Uses NA = Not Applicable						
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LAND USE CATEGORY																							
UTILITIES																							
Major utilities, except as listed below	SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	<u>L</u>	Section 404.48.5
Minor utilities, except as listed below	P	P		L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	Section 404.49
Broadcasting or communications tower	SE															SE	SE	SE	SE	SE		SE	Section 404.50
Amateur radio tower	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Solar facility	<u>L</u> SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Section 404.50.5
<del>Distribution</del> Electric Substation	L	L		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Section 404.50.6

## Code Revision Language

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### **CORRELATED SCRIVENER ERRORS IN ARTICLE II- USE TABLE & CHAPTER 404- USE REGULATIONS**

DRAFT

ARTICLE II- USE TABLE

ARTICLE II. USE TABLE								P = Permitted Use by Right L = Limited Use SE = Special Exception SU = Special Use Permit									A = Accessory Use Blank Cell = Prohibited Uses NA = Not Applicable						
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LAND USE CATEGORY																							
AGRICULTURAL AND CONSERVATION USES																							
AGRICULTURE																							
Agricultural uses, except as listed below	P	P	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Agricultural processing, offsite	L	L																L	L	L	L		Article III
Produce stand	L	L												L	L	L	L				L	L	Section 404.10
Agricultural services	SE	P																					Section 404.11
Poultry or livestock raising on parcels less than 5 acres	L	L		L	A	A	A															L	Section 404.12
Community garden	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Section 404.13
Farmers market	L	L									L	L	L	L	L	L	L	L	L			L	Section 404.13.1

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LAND USE CATEGORY																							
Mobile farmers market	L	L									L		L	L	L	L	L	L	L			L	Section 404.13.3
Dairy, commercial	SE																						Section 404.14
Commercial livestock market	SE	P																					
<del>Private agricultural</del> Rural event center or arena	SE L																						Section 404.14.5
Slaughter plant	SE																						
Farm machinery and lawn and garden equipment repair	L	P															P			P			Section 404.15
Wood processing facility	SE																						Section 404.16
Feed & agriculture supply sales		P												P	P	P	P	P					
Kennel, cattery, or private animal shelter	L SE			L SE																			Section 404.18

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LAND USE CATEGORY																							
Animal sanctuary	SE		SE																				Section 404.18.5
Farmworker housing	SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		Section 404.19
RESOURCE-BASED RECREATION																							
Resource-based recreation, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Docks	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Section 404.108
Hunting or fishing camps	L SE		L SE																		L SE		Section 404.109
Marina																					P SE		Section 404.110
<del>Residential</del> Recreational camps	SE		SE																		SE		Section 404.111
CONSERVATION																							

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LAND USE CATEGORY																							
Public wildlife refuge	P		P																				
Public park or historic site	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
RESIDENTIAL USES																							
HOUSEHOLD LIVING																							
Single-family detached dwelling	P	A	P	P	P	P	P	P			P										A	P	
Single-family attached dwelling					P	P	P	P			P											P	
Manufactured home	L	A					L		L														Section 404.21
Mobile home	L						L		L														Section 404.22
Manufactured or mobile home park									L														Section 404.23
Accessory living dwelling unit	A			A	A	A	A																Section 404.24



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LAND USE CATEGORY																							
Security quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	Section 404.25
Model home	A			A	A	A	A	A														A	Section 404.26
Multiple-family dwelling								P			P					L						P	Section 404.20.5
Residential over commercial											P	P	P	P	P							P	
GROUP HOUSING																							
Assisted living facility								L			L	L	L	L		L						L	Section 404.27
Nursing home								SE				P	P	L		L						P	Section 404.27.5
Dormitory								P				P											
Fraternity or sorority house								P															

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LAND USE CATEGORY																							
Community residential home, small	L			L	L	L	L	L			L											L	Section 404.28
Community residential home, large	SE							L			L											L	Section 404.29
PUBLIC AND CIVIC USES																							
ADULT AND CHILD CARE																							
Adult day care								L			L	L	L	L	A	L	L	L	L	L	L	L	Section 404.310
Childcare facility	SE	SE		SE	SE	L	SE	L			L	L	L	L	A	L	L	L	L	L	L	L	Section 404.31
Family childcare home	L			L	L	L	L	L			L											L	Section 404.32
EDUCATIONAL FACILITIES																							
Educational facility, private (pre-K-12)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	<del>LSU</del>	Section 404.34

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LAND USE CATEGORY																							
Educational facility, public (pre-K-12)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	L	Section <a href="#">404.34</a>
Educational facility, vocational, business or technical school; college or university	A												P	P		P	P	P	P	P		P	
COMMUNITY SERVICES																							
Government Buildings and facilities	SU	SU	SU	L SU	L SU	L SU	L SU	L SU	L SU	SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	P	Section <a href="#">404.35</a>
Cemetery	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU		Section <a href="#">404.36</a>
Funeral homes											SE		P	P								P	Section <a href="#">404.37</a>
Homeless shelter, principal use				SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU	SU	SU	SU	Section <a href="#">404.38</a>
Homeless shelter, accessory	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section <a href="#">404.39</a>

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LAND USE CATEGORY																							
Soup kitchen, principal use				SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU	SU	SU	SU	Section 404.40
Soup kitchen, accessory	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 404.41
Civic organizations and places of worship	L	P	SE	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	Section 404.42
Museum	L	L		L	L	L	L	L			L		L	P	P	P	P	L	L	L	L	P	Section 404.43
Commercial animal boarding or training facility		SE														SE	SE		SE	SE			Section 404.44
Pet rescue organization	L													L		L	L					L	Section 404.44.5
HEALTH AND MEDICAL FACILITIES																							
Hospital												P											
Medical clinic or lab	SE	P									P	P	P	P		P	P	P	P	P		P	

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LAND USE CATEGORY																							
Medical marijuana dispensary												L		L	<u>L</u>	L	L						Section 404.45
Veterinary clinic or hospital	SE	L											L	L	L	L	L	L		L		L	Section 404.46
Massage therapist													L	L	L	L	L	L				L	Section 404.47
TRANSPORTATION TERMINALS																							
Bus or train station																SE	SE	SE	SE	SE		P	
Airport																			SE	SE			
Helicopter landing pad												SE							SE	SE			Section 404.48
Private landing strip	SE																						
UTILITIES																							

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LAND USE CATEGORY																							
Major utilities, except as listed below	SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		Section 404.48.5
Minor utilities, except as listed below	P	P		L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	Section 404.49
Broadcasting or communications tower	SE															SE	SE	SE	SE	SE		SE	Section 404.50
Amateur radio tower	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Solar facility	L SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Section 404.50.5
<del>Distribution</del> Electric Substation	L	L		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Section 404.50.6
PERSONAL WIRELESS SERVICE FACILITIES																							
Personal wireless service facility	L SU	L SU		L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	L SU	Article XII
COMMERCIAL USES																							

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LAND USE CATEGORY																							
HOME-BASED BUSINESSES																							
Home-based business	A			A	A	A	A	A	A	A	A											A	Section 404.62
ENTERTAINMENT AND RECREATION																							
Entertainment and recreation, except as listed below															P	SE	P	SE				P	
Outdoor recreation	L SE		L SE					L SE							L SE	L SE	L SE	L SE			L SE		Section 404.64
Motorized Sports															SE								Section 404.65
Private motorized vehicle practice facility	SE																						Section 404.66
Amusement or theme park															SE								
Zoo															SE	SE							

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LAND USE CATEGORY																							
Golf course	L			L	L	L																	Section 404.66.5
Theater or cabaret, sexually oriented																	L						Section 404.67
FOOD AND BEVERAGE																							
Restaurant	L													P	P	P	P	P	A	A	P	P	Section 404.67.5
Restaurant, with drive-through														SE	L	L	L	L		A		L	Section 404.68
Incidental food and beverage sales		A												A	A	A	A	A	A	A	A	A	Section 404.69
Cocktail lounge, bar, tavern, or nightclub										SE						P	P	P			SE	P	
Mobile food sales		L												L	L	L	L	L	L	L	L	L	Section 404,69.1
BUSINESS AND PROFESSIONAL SERVICES																							



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LAND USE CATEGORY																							
Restaurant	L													P	P	P	P	P	A	A	P	P	Section <del>404.67.5</del>
Restaurant, with drive-through														SE	L	L	L	L		A		L	
Incidental food and beverage sales		A												A	A	A	A	A	A	A	A	A	Section <del>404.69</del>
Cocktail lounge, bar, tavern, or nightclub								SE							P	P	P	P			SE	P	
Mobile food sales		L												L	L	L	L	L	L	L	L	L	Section <del>404.69.1</del>
BUSINESS AND PROFESSIONAL SERVICES																							
Business and professional services, except as listed below											P	P	P	P	P	P	P	P	P	P		P	
Bank or financial institution													P	P	P	P	P					L	Section 404.107
Radio or television station, excluding towers																P	P	P	P	P		P	

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LAND USE CATEGORY																							
PERSONAL SERVICES																							
Personal services, except as listed below													P	P	P	P	P	P				P	
Gym or fitness center													P	P		P	P	P	SE			P	
Indoor sports training facility														P	P	P	P	P	L	L		P	Section 404.106
Dance, art, or similar studio											P		P	P				P	SE			P	
OVERNIGHT ACCOMMODATIONS																							
Hotel or motel												P		P	P	P	P				SE	L	
Bed and breakfast	L			L	L	L					L				P							L	
Rooming house								P			P	P											
RV Park/ Campground										L													Section 404.71

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LAND USE CATEGORY																							
Farm Stay	L			L	L	L	L																Section 404.71.5
RETAIL SALES AND SERVICES																							
Retail sales and service, except as listed below	L													P	P	P	P					P	
Neighborhood convenience center														L	L	L	L		L	L			Section 404.72
Convenience store														L	L	L	L	L			L	P	Section 404.73
Pharmacy												L		L	L	L	L					L	Section 404.74
Dry cleaners														P	P	P	P					L	Section 404.74.5
Furniture store														P	P	P	P	P				P	
Media sales and rental														L	L	L	L					L	Section 404.75

## Code Revision Language

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ZONING DISTRICT	A	A- RB	C- 1	RE RE- 1	R1- aa R-1a	R- 1b	R- 1c	R-2 R- 2a R-3	RM	RM- 1	RP	HM	BP AP	BR	BR- 1	BH	BA BA- 1	BW	ML	MS MP	MB	TOD TND	STANDARDS
LAND USE CATEGORY																							
Large scale retail																L	L	L	L			P	Section 404.75.5
Flea Market																	SE						
Media, sexually oriented																L	L						<u>Section 404.67</u>
Sex shop																	L						<u>Section 404.67</u>
COMMERCIAL ANIMAL RAISING																							
Commercial animal raising	SE																						
SELF-SERVICE STORAGE FACILITIES																							
Self-service storage facilities																L		L	L	L		L	Section 404.76
VEHICLE SALES AND SERVICE																							

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LAND USE CATEGORY																							
Car wash																P	P	P	P	P		L	Section 404.76.5
Vehicle sales and service																	P	SE		P	L	L	Section 404.77
Vehicle and trailer rental																A	P			P			Section 404.78
Service station																P	P	SE				L	Section 404.78.5
Vehicle repair																	L			P			Section 404.79
Fuel sales		A												SE	A	A	A	SE			A		Section 404.80
OUTDOOR STORAGE AND DISPLAY																							
Outdoor storage		A										A				A	A	A		A	A		Section 404.81

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LAND USE CATEGORY																							
Outdoor display		A												A	A	A	A	A		A	A		Section 404.82
Remote Parking																L	L	L		L			Section 404.82.3
INDUSTRIAL USES																							
WHOLESALE, WAREHOUSING, STORAGE AND DISTRIBUTION																							
Wholesaling, warehousing, storage, and distribution, except as listed below	SE	SE																P	P	P			Section 404.82.6 <del>1</del>
Building supply and lumber sales																	P	P		P			
Manufactured and mobile home sales																				P			
Parking of trucks, recreational vehicles and trailers	A	A		A	A	A	A	A	A	A													Section 404.82.5
Storage yard																				L SE			<u>Section 404.83</u>

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LAND USE CATEGORY																							
Construction and Maintenance Services																P	P	P	P	P			
LIGHT INDUSTRIAL																							
Light industrial, except as listed below																			P	P		L	Section 404.83.5
Research, development, or experimental lab												L							P	P		P	
Heavy machinery and equipment sales and repair																	SE			P			
Cab company or limousine service																		P	P	P			
HEAVY INDUSTRIAL																							
Heavy industrial, except as listed below																				P			
Asphalt or concrete batching plant																				SE			
WASTE-RELATED SERVICE																							
Rural collection center	P																						

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LAND USE CATEGORY																							
Waste-related service, except as listed below																				SE			
Junk, salvage, or recycled metal yard																				SE			Section 404.85
Solid waste transfer station	L																			L			Section 404.86
Package treatment plant	SU	SU		SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU		Section 404.87
Spray irrigation	L	L		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		Section 404.88
Land application of biosolids	SE	<u>SE</u>																					Section 404.89
Materials recovery, recycling, and composting																				SE			Section 404.89.5
Storage, transfer, or treatment of hazardous waste																				SE			
MINING, EXCAVATION AND FILL OPERATIONS																							



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LAND USE CATEGORY																							
Mining, excavation, and fill operations	SU																						Article XXIV
PUBLIC FAIRGROUND																							
Public Fairground																				L			Article XXV

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### ARTICLE VI. - ADULT AND CHILD CARE

#### Sec. 404.31. Adult or child care centers.

Adult or child care centers, as defined by F.S. Ch. 402.~~302~~ and F.S. Ch. 429.~~901~~, 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 as an accessory use in BR-1 district, and within a ~~Traditional~~ Neighborhood and Transit Oriented Development's TODs, 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, Article II, 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.~~
- (23) *Recreational facilities.* Outdoor recreational facilities shall be located in the rear yard for child care centers within residential zoning districts.
- (34) *Landscaping.* In addition to the landscaping requirements of Article IV of Chapter 407, one (1) additional shade tree per one thousand (1,000) square feet of outdoor play or activity area shall be installed.
- (45) *Setbacks from residential.* All stationary play equipment, dumpsters, garbage cans or recycling bins, and similar equipment shall be located at least fifty (50) feet from any abutting residential property line and twenty-five (25) feet from any abutting multi-family residential property.
- (56) *Hours of operation.* Unless otherwise approved as part of a special exception, adult or child care centers within residential zoning districts ~~areas~~ shall not operate between the hours of 7:00 p.m. and 6:00 a.m.
- (67) *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 a Traditional Neighborhood and Transit Oriented Development's TODs must meet all requirements of Chapter 407, Article VII, Traditional Neighborhood and Transit Oriented Development's TODs.
- (7) *Additional standards for child care centers.*
  - (a) *Vehicle circulation.* In addition to the requirements of Chapter 402, Article II, an application shall provide a vehicular circulation plan showing onsite queuing

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and circulation based upon the location and number of patrons that utilize the facility.

(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.

## ARTICLE VII. - EDUCATIONAL FACILITIES

### **Sec. 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, and within a Traditional Neighborhood or Transit Oriented Development's, 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, and within a Traditional Neighborhood or Transit Oriented Development's, except C-1, RM-1, BW, ML, MS, MP, and MB subjects to the requirements of Table 404.34.1 below.

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<b>Table 404.34.1</b> <b>Educational Facilities and Future Land Use Categories</b>		
<b>Future Land Use Designation</b>	<b>Public</b>	<b>Private</b>
Low Density Res.	L	SU
Medium Density Res.	L	L
Medium-High Density Res.	L	L
High Density Res.	L	L
Office	SU	L
Commercial	SU	L
Light Industrial		
Heavy Industrial		
Institutional (in Urban Cluster)	L	L
Institutional (not in Cluster)	SU	L
Estate Res.		
Rural/Ag	SU <sup>1</sup>	SU <sup>1</sup>
Rural Cluster	SU	SU
Rural Employment Center	SU	SU
Recreation		
Conservation		
Preservation		

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Tourist Entertainment		
<u>Mixed Use</u>	<u>L</u>	<u>L</u>
<sup>1</sup> 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. Access to elementary and middle schools shall be available from a local road or on a residential collector road within existing or planned residential neighborhoods.

~~c. Direct Access to middle and senior high schools shall be available either from a collector or arterial road or from a local road within 1,320 feet (1/4 mile) of a collector or arterial road if located within a Traditional Neighborhood or Transit Oriented Development.~~

de. All schools shall be linked with surrounding residential areas by bikeways and sidewalks.

~~ed.~~ 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 twenty-five (25) feet on the front, twenty (20) feet in the rear, and ten (10) feet on interior side, and twenty-five (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 XIV, Outdoor Lighting, of Chapter 407 and with Subsection (c)(3) below.

(4) Vehicular circulation. In addition to the requirements of Chapter 402, Article II, 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.

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(1) Hours of operation. No activities shall be conducted on-site between the hours of 11:00 p.m. and 6:00 a.m. unless approved otherwise as part of a special use permit.

(2) Additional buffering. All private facilities shall meet the landscape buffer requirements in Article IV, Landscaping, of Chapter 407. For facilities serving one hundred (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 407, whichever is greater.

(3) Athletic fields adjacent to single-family residential areas. 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 p.m. and 7:00 a.m. 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 XVII, Special Exceptions.
- c. All applications for new or amended special use permits shall be submitted and analyzed in accordance with Chapter 402, Article XVIII, Special Use Permits.

## ARTICLE VIII. - COMMUNITY SERVICES

### **Sec. 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, BR-1 and C-1, subject to the following standards.

(a) Minimum lot size. The minimum lot area shall be one (1) acre when located within the Urban Cluster, and three (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.

### **Sec. 404.41. Soup kitchen, accessory.**

In any district except for BR-1 and 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.

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- (a) Maximum number of clients. The service capacity of an accessory soup kitchen shall not exceed twenty-five (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 two thousand five hundred (2,500) square feet or twenty-five (25) 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 7:00 a.m. and 8:00 p.m.

## ARTICLE XXII. - LIGHT INDUSTRIAL

### Sec. 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, and within a Traditional Neighborhood or Transit Oriented Development's.

## ARTICLE XXIII. - WASTE-RELATED SERVICES

### Sec. 404.87. Package treatment plant.

A package treatment plant may be allowed as a special use permit in any district, except for C-1, subject to the standards outlined in Chapter 407, General Development Standards, Section 407.114.