



ALACHUA COUNTY GROWTH MANAGEMENT DEVELOPMENT SERVICES STAFF REPORT

UNIFIED LAND DEVELOPMENT CODE TEXT AMENDMENT

SUBJECT: A staff-initiated request to amend the Unified Land Development Code.

APPLICATION NUMBER: TBD

CHRONOLOGY:

Request to Advertise	02/25/2025
BoCC Adoption Hearing	TBD

STAFF RECOMMENDATION:

For the Board of County Commissioners to approve a request to advertise staff-initiated amendments to the Unified Land Development Code (ULDC).

SUMMARY OF PROPOSED AMENDMENT

The proposed amendments aim to update the Paved/Unpaved Public Access in Family Homestead Subdivisions and the Rural Agricultural Subdivisions with less than 9 lots; Carport Allowance in Building Area; Affidavit Process for Zoning District Setbacks; Survey Monuments; and Removing language requiring Minimum and Maximum Parking.

Staff Analysis of the Proposed Text Amendments

Comprehensive Plan Consistency

Staff finds the proposed amendments to be internally consistent with the Alachua County Comprehensive Plan as a whole, and with the following policies, as applicable:

Topic: Access to Paved/Unpaved Public Roads in Family Homestead Exception and Rural Agricultural Subdivisions with no more than 9 lots.

Analysis: Staff propose that the Family Homestead Subdivisions and Rural Ag Subdivisions with no more than 9 lots allow access to either paved or unpaved public roadways if the applicant can meet all the other requirements of the ULDC. Additional updates include fire safety clearance widths, updating to match Comprehensive Plan language as Parent Parcel rather than Parent Tract.

Future Land Use Element

Rural Residential Subdivisions

Policy 6.2.6 *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 under Policy 6.2.6.1 below.*

Policy 6.2.6.1 *Subdivisions of no more than nine lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum width, stabilization requirements, public safety, emergency vehicle access, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than nine lots without having paved roads throughout the subdivision.*

Transportation Mobility Element

Objective 1.3 *To coordinate land use decisions and access locations and configurations in order to maintain and improve the efficiency and safety of the transportation system.*

Policy 1.3.2 *Access to roadways shall be controlled in order to maximize the efficiency of the transportation network. The FDOT Access Management Classification System and Standards shall be incorporated and utilized for reviewing plans submitted to the DRC for review and approval. All development orders shall meet at a minimum the FDOT requirements.*

Topic: Carport Allowance in Building Area.

Analysis: Residents have requested permission to place a carport on their existing driveway; however, Section 407.02 of the ULDC prohibits accessory buildings in the front yard. Staff recommend permitting carports in the front yards, subject to limited standards. This is already allowed on agriculturally zoned lots, with limited standards.

Topic: Affidavit Process for Zoning District Setback

Analysis: Citizens have raised concerns about the lengthy process involved in replating to correct

existing encroachments or for new structures that would be permitted under current zoning district setbacks. Staff propose an affidavit process to streamline the process and reduce both time and costs for landowners.

Topic: Survey Monuments

Analysis: Requested by the Alachua County Surveyor to provide timing for when to set the monuments.

Topic: Parking Minimum and Maximum

Analysis: In nearly all cases where parking is referenced in the Future Land Use (FLU) for criteria and performance requirements in the Unified Land Development Code (ULDC), there is no guidance on minimum or maximum parking. Staff propose removing the minimum and maximum parking requirements from Chapter 407 of the ULDC and will categorize them as required parking for clarity. Additionally, the parking schedule will be updated to eliminate redundancy and align with current Statute requirements. A more thorough review of parking requirements is planned for the upcoming Evaluation and Appraisal Review.

Fiscal Impact Analysis

Impact on the initial cost of housing and the long-term cost of homeownership.

These proposed amendments will not cause an increase to the initial cost of housing and there would be no impact on the long-term cost of home ownership.

Impact on the County and County Taxpayers.

There are no costs to the County or to County taxpayers resulting from these amendments.

STAFF RECOMMENDATION

Staff recommend that the BoCC approve the request to advertise for the staff-initiated amendments to the ULDC for a public hearing for adoption.

Staff propose amending the ULDC text as follows:

PAVED PUBLIC ACCESS IN FAMILY HOMESTEADS AND LESS THAN 9 LOTS

CHAPTER 407 GENERAL DEVELOPMENT STANDARDS
ARTICLE VIII SUBDIVISION REGULATIONS

Sec. 407.73. General provisions.

- (a) All subdivision applicants are required to file a plat in accordance with Article XII of Chapter 402 except as provided for below in Subsection (f) and in Section 407.75.
- (b) All subdivisions located within areas designated rural/agriculture on the Future Land Use Map 2040 and containing ten (10) or more lots shall be designed as a clustered rural residential subdivision consistent with Sections 407.77 and 407.78 of this Article.

- (c) For subdivisions located within areas designated rural/agriculture and not designed as a clustered rural residential subdivision as provided in Section 407.77, no more than one hundred fifty (150) lots smaller than eight (8) 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 Section 407.75, Section 407.76 and Section 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 parcel ~~tract~~ unless they comply with these subdivision regulations.
- (f) A parent parcel ~~tract~~ may be divided once without complying with these subdivision regulations provided all of the conditions below are met:
 - (1) Both newly created lots shall have frontage along a local public road or two hundred fifty (250) feet of frontage on a public collector or arterial road except as provided for in this Section:
 - a. When the newly created lot will be located on a County-maintained collector or arterial road and have less than two hundred fifty (250) feet of frontage, a shared driveway shall be utilized for both newly created lots subject to approval by the Public Works Department.
 - b. Parcels separated from a public street by a utility right-of-way shall be considered to have frontage on the street.
 - c. If the parcel utilizes access to a privately-maintained road, the private road may be used in lieu of a driveway connection to the public road if that road meets minimum width, stabilization, and maintenance requirements as determined by the Public Works Department and the applicant provides proof of legal access.
 - (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 parcel ~~tract~~ shall be deemed a subdivision and shall comply with relevant regulations of this ULDC.
 - (5) A parent parcel ~~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 Article XXIII of Chapter 402 or the purpose of the split is for an immediate family member as defined in Article XXIII of Chapter 402 and shall be subject to the occupancy requirements of Subsection 402.142(b)(5).
- (g) Parent parcels ~~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 Subsection (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 reconfiguration of any legally nonconforming lot does not increase the extent of the nonconformity; 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 may be reconfigured where the minimum lot size and dimensional standards of the zoning district can still be met, or if nonconforming, the reconfiguration shall not increase the extent of the nonconformity.
- (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.

Sec. 407.75. Family homestead subdivisions.

The DRC may approve a subdivision of up to six (6) 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 Article XXIII of Chapter 402 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 XXIII, Subsections 402.142(a) and (b) and Section 402.143 shall apply. Such subdivisions may be located on a paved or 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 the 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 (5) 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 Subsection 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~~ subject to the following:
- (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 20-18-foot horizontal and 14-foot vertical clearance. The DRC may reduce the horizontal clearance to 16 feet where it can be shown by the applicant that the reduction is warranted by unique site features or characteristics.
- (d) A private easement road internal to the subdivision may connect to an paved or 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 IV, Landscaping, of Chapter 407.
- (f) Family homestead subdivisions shall be exempted from the requirements for stormwater management systems in Article IX, Stormwater Management, of Chapter 407, in accordance with Subsection 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 (1) year of the DRC approval of the subdivision. The family homestead subdivision shall expire without further action by the DRC if the survey is not recorded within this timeframe.

Sec. 407.76. Subdivisions with no more than nine lots in the rural agricultural area.

Subdivisions, including clustered rural residential subdivisions meeting the requirements of Section 407.77 and 407.78 of this Article, with no more than nine lots in the rural/agricultural area as defined by the future land use element of the comprehensive plan may be approved provided they meet the following conditions:

- (a) Such subdivisions shall be platted and approved by the BOCC.

- (b) A parent parcel, existing as of October 2, 1991, shall not be divided into more than nine lots, including the residual, without having internal paved roads throughout the subdivision. Only one such subdivision shall be allowed per parent parcel.
- (c) An internal road shall be provided for the lots in the subdivision to access a public roadway, except as provided in Subsection (d) below, subject to the following standards:
 - (1) Where an internal private easement road is proposed, it must meet County standards in accordance with Subsection 407.141(b).
 - (2) The private easement road must provide a direct connection to a paved or unpaved public road with sufficient right-of-way to meet County standards. The internal private road may be paved or unpaved, but must meet the minimum requirements in Subsection (g) below.
 - (3) Lots fronting the internal private easement road shall not have direct access to public roadways.
- (d) Two direct access connections to public roadways, including internal roads and individual or shared driveways, in accordance with Subsection (c) may be allowed subject to the standards of Article XIII of this Chapter and individual or shared driveways that provide direct access from any lots to a public roadway may be allowed subject to the following:
 - (1) Such direct access is required to avoid impacts to conservation resources, tree canopy preservation areas, natural drainage features, agricultural lands, or other landscape features.
 - (2) Subdivisions of three lots or less that have frontage on a public roadway may provide direct connection to the roadway utilizing individual or shared driveways.
 - ~~(3) Total connections to public roadways, including internal roads in accordance with Subsection (c) and individual or shared driveways, shall be limited to two per subdivision and shall meet the standards of Article 13 of this Chapter.~~
- (e) 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.
- (f) The applicant shall provide and have recorded in the public records of the County a document, in such form as the BOCC 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 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.
 - (3) If an internal private easement road is proposed:
 - a. The road shall be set aside for common ownership and maintenance.
 - b. The maintenance and financial responsibility for the road shall be borne by the owners in the subdivision.
 - c. 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.

- d. A declaration that the roadway is a private road which is neither dedicated to nor accepted by the County and that the maintenance of the road is not the responsibility of the County, regardless of use by public service vehicles.
- (g) A development plan consistent with Subsection 407.141(b) is required, including:
 - (1) Centerline survey of the easement road with curve data.
 - (2) A typical cross-section.
 - (3) Plan and profile cross-sections of the roadway, prepared by a professional engineer, registered in the State of Florida, for the roadway and drainage improvements.
 - (4) A stormwater management plan with accompanying calculations and supporting soils and topographical data. If the internal easement road is paved, stormwater requirements in Article IX 9 shall apply.
 - (5) Any entrance culvert, where appropriate, shall be reinforced concrete pipe with mitered ends.
 - (6) Any turnout shall have a minimum radius of 30 feet and be paved within the public right-of-way, if the public roadway is paved.

ARTICLE XIII ACCESS MANAGEMENT AND STREET NETWORK STANDARDS

Sec. 407.141. Minimum design and 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 subdivision 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 most recent Edition Trip Generation Manual published by the Institute of Transportation Engineers. 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 and the standards outlined in Table 407.141.1 and the Florida Greenbook.
 - (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 and private easement roads in rural residential subdivisions with no more than nine (9) lots may be excluded from the definition of a street, provided that the following occur:
 - (1) Estimated average daily traffic does not exceed four hundred (400) trips at full development for multiple-family or one hundred twenty-five (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 one thousand (1,000) feet.
 - (5) For private roads in rural residential subdivisions with no more than nine (9) lots, if the maximum distance from the public road to the most distant parking space in the common area or easement as measured along the centerline of an access way or driveway is greater than one thousand (1,000) feet, the Board will take action on a Preliminary Development Plan in compliance with Article X Development Plan Review. In addition to the requirements in Article X and Section 407.76 the Board may apply the conditions below, as applicable:
 - a. Deed restriction(s) that no further subdivision or clustering of any lot(s) shall be permitted.
 - b. Not further than five (5) road miles from a fire hydrant/station to the most distant lot or if beyond that distance provide a note on the plat stating: "DUE TO THE RURAL LOCATION OF THIS PARCEL AND DEPENDING ON THE STATE OF MAINTENANCE OF ACCESS WAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED, FIRE HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION".
 - c. Hard-surfaced material for access way or driveway longer than one thousand (1,000) feet to mitigate deterioration.
 - (6) 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 (10) feet for ADT less than two hundred (200) and sixteen (16) feet for ADT greater than two hundred (200).
 - (7) ~~For private~~ Private internal easement roads, either paved or unpaved, in rural residential subdivisions with no more than nine (9) lots, ~~the road~~ shall have a traveled width of eighteen (18) a minimum LBR of thirty-five (35), two-foot stabilized shoulders and a minimum depth of six (6) inches for the stabilized area. The internal road must have a minimum 20-foot horizontal and 14-foot vertical clearance. The DRC may reduce the horizontal clearance to 16 feet where it can be shown by the applicant that the reduction is warranted by unique site features or characteristics. Private internal roads shall be in an easement or common area not less than forty (40) feet in width. Drainage for private internal roads shall be designed to meet the requirements of this ULDC.
- (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.

CARPORTS, SETBACK AFFIDAVIT PROCESS & SURVEY MONUMENTS

CHAPTER 401 DEVELOPMENT REVIEW BODIES ARTICLE VI DEVELOPMENT REVIEW DEPARTMENTS

Sec. 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, the Environmental Protection Department, the Department of Public Works, as well as input from other departments and agencies:
 - (1) DRC — Regarding the following development applications:
 - a. Any application listed in Subsection 401.17(a);
 - b. Plats, including final plats, plat vacations, and re-plats.
 - (2) BOCC (and Planning Commission where applicable) - Applications as listed in Section 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 this 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 six hundred (600) square feet or under meeting the standards in Chapter 404, Section 404.108;
 - (6) Certificate of occupancy;
 - (7) Home-based businesses;
 - (8) Family homestead exceptions and transfers;
 - (9) Temporary uses that do not involve overnight camping or any event with an anticipated attendance of less than two thousand (2,000) people;
 - (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 XII of Chapter 404 of this ULDC;
 - (14) Administrative development plan review of any modifications to an existing developed site resulting in an addition of less than one thousand five hundred (1,500) square feet of impervious area provided this provision may only be used once per site and the proposed expansion does not create off-site impacts;
 - (15) Change of use to a permitted or limited use, except where DRC approval is required in Chapter 404;
 - (16) Waivers to the setback requirements from major road centerlines, section lines, and half section lines in Section 407.03 for structures on existing legal lots of record; and

- (17) Tier I tower replacements meeting the standards of Subsection 404.54(a)5.
- (18) Amendment to the zoning district setback of a platted lot by Affidavit in ULDC Sec. 402.56.5.
- (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;
 - (8) Preservation buffer reductions per Subsection 405.33(b)(4)c.
- (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 six hundred (600) square feet or under meeting the standards of Chapter 404, Section 404.108;
 - (3) Minor modifications to stormwater management facilities and right-of-way infrastructure associated with development previously approved by the DRC;
 - (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 two hundred (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 Subsection 407.73(f)1 for the first split of a parent parcel or a family homestead exception where the private easement 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 CONTENTS
ARTICLE X DEVELOPMENT PLAN REVIEW

Sec. 402.56. Platting required.

- (a) Platting is required for development of detached and attached single-family lots. Individual platted lots may not be divided further except as follows:
 - (1) Where such divisions are expressly provided for on an approved plat; or
 - (2) Upon approval of a plat vacation by the BOCC or where a re-plat is approved per Subsection (b) below for all or a portion of an existing plat and subject to approval of a new development plan and/or plat for the vacated area.
- (b) *Re-plats.* A re-plat is required for the modification or reconfiguration of previously recorded platted lots ~~and their associated setbacks, buffers and easements~~, except as provided in Subsection 407.73(f)3 of this ULDC.
- (c) A re-plat is not required to combine or reconfigure two (2) or more platted lots ~~under common ownership~~, subject to the requirements of 407.73(g) and the following requirements:
 - (1) ~~Where two (2) or more platted lots are combined, the~~ The revised exterior property lines shall be used in determining the setbacks rather than the original platted lot lines.
 - (2) Any easements or buffers on the approved plat must be avoided unless a re-plat is approved.
 - (3) The highest finished floor elevation of the original lots shall be maintained, if applicable.

Sec. 402.56.5 Changes to the setbacks of platted lots.

The owner of a lot in an existing platted subdivision may amend the setback shown on the original plat to the zoning district setbacks in Chapter 403 through an administrative process permitted by Sec.401.20 of this ULDC subject to the following:

- (a) The amended setback shall not be less than the zoning setback standards outlined in Chapter 403, unless a variance is approved by the DRC as provided in Chapter 402, Article 26.
- (b) The change shall not affect existing natural resources setbacks.
- (c) Any easements or buffers on the original plat must be avoided unless a re-plat is approved by the BoCC.
- (d) The change shall be documented by the recording of the affidavit, signed and stamped by the department, 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. The affidavit shall be in a form established by the department.
- (e) The affidavit is required to be recorded with the Clerk of the Court within one year of approval or prior to permitting any new structures to be effective. Recording of an affidavit without prior approval from the department will not be recognized as the legal setback for the lot.

ARTICLE XXIII- FAMILY HOMESTEAD EXCEPTIONS

Sec. 402.142. Application requirements.

- (a) *Application.* An application for a family homestead exception approval shall be submitted in accordance with Article III, 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 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 BOCC, 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 (1) 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 (5) 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 (5) 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 five (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 Subsection 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. 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 Subsection 401.20(d)(10);
 - b. All parcels are consistent with all other requirements of this ULDC;
 - c. 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 two (2) acres.

- (2) *Minimum family homestead exception lot size.* The lot for which a family homestead exception is requested shall be a minimum of one acre and shall comply with the minimum lot area and dimensional requirements standards for the Agriculture zoning district in Chapter 403 or as provided in Chapter 408 for legally nonconforming Agricultural lots of record, listed in Table 402.142.1 below.

Table 402.142.1 Minimum Lot and Setback Requirements	
STANDARD	MINIMUM DIMENSIONS
<i>Principal Building:</i>	
Minimum Lot Area	1 Acre (43,560 square feet)
Minimum Lot Width at front building line ¹	110 feet
Minimum Lot Width at property line ²	125 feet
Minimum Lot Depth	125 feet
<i>Minimum Yard Setback Dimensions:</i>	
Front, minimum	25 feet
Rear, minimum	30 feet
Interior side, minimum	12.5 feet
Street side, minimum	25 feet
Maximum height	35 feet
<i>Accessory Building:</i>	
Front, minimum	25 feet
Rear lot line setback, minimum	7.5 feet
Side lot line setback, interior, minimum (ft.)	12.5 feet
Side lot line setback, street, minimum (ft.)	25 feet
<i>Note and additional standards:</i>	
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 as 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 (1) 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.

CHAPTER 403 ZONING DISTRICTS
ARTICLE IV COMMERCIAL DISTRICTS

Table 403.12.1 STANDARDS FOR COMMERCIAL DISTRICTS						
Standards	ZONING DISTRICTS					
	AP	BP	BR, BR-1	BH	BA, BA-1	MB
Lot Dimensions						
Min. Area (sq. ft)	5,000	5,000	5,000	5,000	5,000	5,000
Width at front building line, min (ft)	50	50	50	50	50	50
Depth, min. (ft)	100	100	100	100	100	100
Setbacks¹						
Front, min. (ft)	25	25	25	25	25	25
Rear, min. (ft)	10	10	5 ²	5 ²	5 ²	5 ²
Interior side, min. (ft)	5 ³	5 ³	5 ³	5 ³	5 ³	5 ³
Street side, min. (ft)	25	25	25	25	15	15
Building Standards						
Height, max (ft)	45	45	65	65	45	35
Building coverage, max (% of gross land area)	40%	40%	N/A	N/A	N/A	N/A
<p>¹ Buildings located within an activity center may be designed with a front and street side building setback of five (5) feet.</p> <p>² Where the rear <u>property line yard</u> abuts a residential or agriculture zoning district, a minimum rear setback of twenty-five (25) feet shall be required.</p> <p>³ Six (6) inches of additional side <u>setback yard</u> shall be required for each foot of building height over thirty-five (35) feet when abutting single-family residential uses or zoning.</p>						

Sec. 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 setback 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 thirty-five (35) feet to any MS or MP district boundary. This requirement may be reduced or waived by the DRC subject to the following review criteria:
 - (1) The lot is two (2) 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 (½) 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 setback 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 X, Building Design, of Chapter 407.

CHAPTER 404 USE REGULATIONS
ARTICLE XXIII WASTE-RELATED SERVICES

Sec. 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 VIII 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 professional 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 BOCC 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.
 - (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 (5) 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 (6) feet in height and with two (2) feet of ornamental superstructure. The required wall along a public right-of-way shall conform to the front setback 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 fifteen (15) days prior to processing.
 - (2) Processed materials shall be stored on site for a maximum of forty-five (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.

Sec. 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 460 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 professional 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 BOCC 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 (6) feet in height. The required wall along a public right-of-way shall conform to the front setback ~~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 fifteen (15) days prior to processing.
 - (2) Processed materials shall be stored on site for a maximum of forty-five (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.

CHAPTER 407 GENERAL DEVELOPMENT STANDARDS
ARTICLE I SETBACKS, HEIGHT, AND OTHER STANDARDS

Sec. 407.01. - Dwelling units on lot.

Where a single lot or parcel of land is used for a single-family attached or detached dwelling unit, only one (1) dwelling unit shall be allowed on the lot, except as otherwise provided for in this ULDC. Accessory buildings such as sheds and garages may not be constructed prior to construction of a principal building.

Sec. 407.02. - Permitted building area.

- (a) 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 structures ~~buildings~~ may be erected within ~~any building line established for the principal building or rear yards as otherwise provided in this ULDC~~ the buildable area as established by the Zoning District. Accessory ~~buildings~~-structures may not be erected within front yards, ~~except within the agriculture zoning district on properties that are not part of a platted subdivision~~ on parcels less than one acre except as provided in subsection (b) of this section. On parcels one acre or greater accessory structures may be erected in front yards but must be at least 25 feet from the front property line and except as provided in subsection (b) of this section.
- (b) Carports that are open on two or more sides are permitted on any residential lot freestanding or attached to the principal building and subject to the following standards:
- (1) Must be constructed within the buildable areas per the zoning district and not encroaching in any required buffer, easement, sidewalk, or right-of-way of any public road.
 - (2) Not exceed 400 square feet.
 - (3) Installed on a concrete or asphalt surface.

- (4) Wall height not higher than the first story of the principal building.
- (c) Accessory structures placed on lots in a previously approved platted subdivision where accessory setbacks were not provided may meet the least restrictive standard of either the platted setback or the accessory setback of the zoning district.

Sec. 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 of or diversion of stormwater runoff that adversely affects adjacent properties except as provided below.

- (a) In any non-residential district, in mixed-use or commercial portions of traditional neighborhood development and transit oriented developments TODs, 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 two-thirds ($\frac{2}{3}$) of the way between the face of a building and the curb, but no closer than four (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 (9) 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 as deemed necessary by the County Attorney to protect the interests 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 (4) feet into any required setback.
- (c) Sills, cornices, ornamental features, chimneys and flues, eaves, and gutters may extend up to thirty-six (36) inches into a required setback.
- (d) Driveways and similar concrete slabs may project into the setback.
- (e) Patios and similar pads may project into the setback provided they are made of removeable materials so as to not be permanent in nature.

Sec. 407.78. Clustered rural residential subdivision design process for developed area.

In addition to the design process described in Section 407.74 and 407.77, the following steps shall be taken in the design of a clustered rural residential subdivision.

- (h) Density incentives for clustered rural residential subdivisions. Maximum density as provided in Table 407.78.1 above may be increased in accordance with Table 407.78.2 for a parent parcel tract established prior to October 2, 1991.

Sec. 407.85. Monuments.

Any subdivision boundary that is within a one-half-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 five hundred (500) feet of the plat boundary.
- (b) All plats shall have a minimum of three (3) permanent reference monuments per forty (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 (2) 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 (2) 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 two (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.
- (h) Monuments at lot corners that do not require a Permanent Reference Monuments (PRM) or Permanent Control Points (PCP) must be set prior to approval of the Final Plat.

Sec. 408.16. Nonconforming legal lots of record.

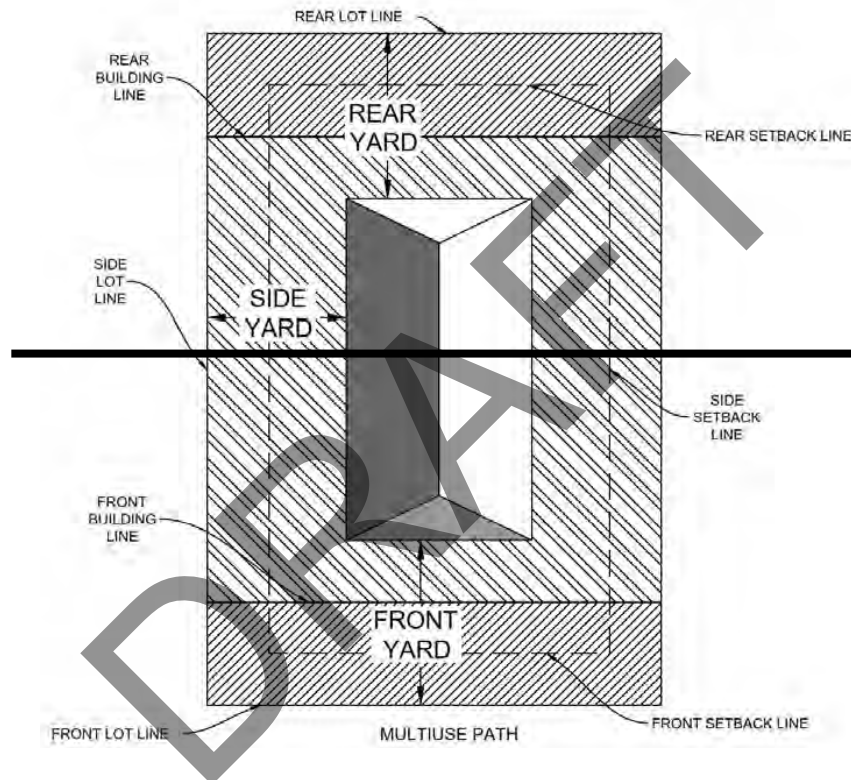
- (a) *Merger.* Where two (2) or more contiguous lots are under the same ownership as of October 2, 1991, the adoption date of the 1991 Comprehensive Plan, and one or more of those lots is nonconforming, such lot or lots shall be combined to form one or more building sites meeting the lot requirements 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 legal lots of record are determined to be vested under the provisions of Chapter 402, Article XXVII, Vested Rights, of this ULDC. Legal lots of record created from a parent ~~parcel tract~~ as a lot split in accordance with Subsection 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 legal lots of record.* A building permit may be issued for a single-family dwelling or a manufactured home on any legally created nonconforming lot of record 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, or Family Homestead Exceptions, subject to the following standards unless platted, and then a re-plat may be required:

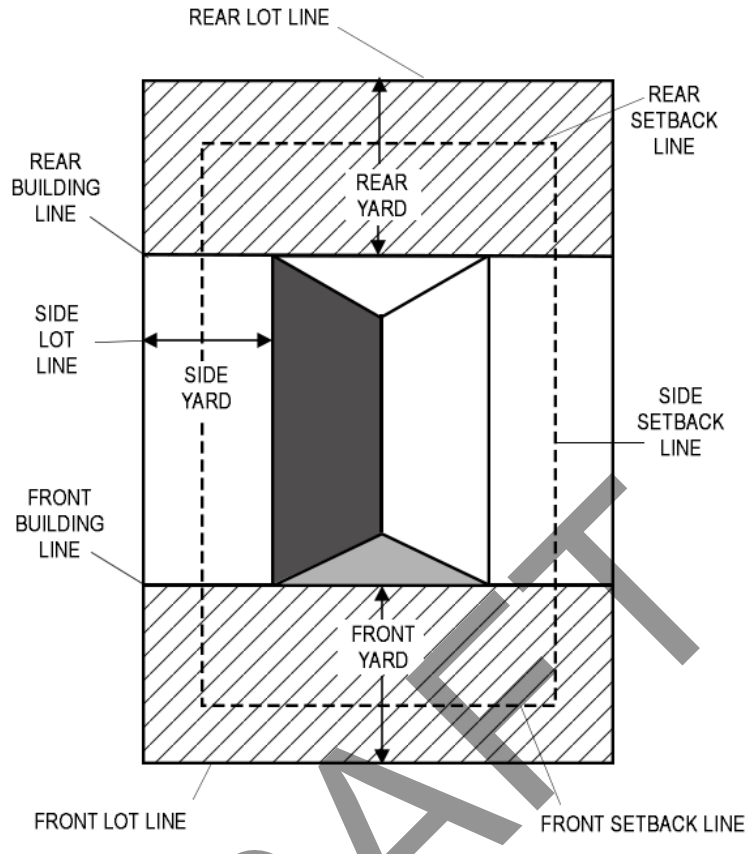
CHAPTER 410 DEFINITIONS
ARTICLE III DEFINED TERMS

Building *area*: That area within and bounded by the building setback 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 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.





Carport: An accessory structure, freestanding or attached, open on two or more sides, enclosed by walls, consisting of a roof, supporting members such as columns or beams and designed for the storage of vehicles owned and used by the occupants of the principal building.

Garage: A detached residential accessory structure or a portion of the principal building used as a work or hobby space, for recreation or leisure activities, or for the storage of motor vehicles and personal property belonging to the occupants of the principal building. A carport shall be considered as a private garage.

Setback: The required minimum distance between the lot line and the exterior vertical wall of a building or structure. ~~Unless otherwise provided for within the ULDC, setbacks shall be measured from the property line to the exterior vertical wall of a building or structure as opposed to the foundation.~~

Lot of record:

- (a) A lot that is part of a documented subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court;
- (b) A lot or parcel of land described by metes and bounds, the description of which has been recorded in the office of the Clerk of the Circuit Court, consistent with and in compliance with land development regulations in effect at the time of said recording;
- (c) A lot created by a separate legal description where a building permit has been issued for residential purposes; or
- (d) Lots created by either the County Commission or Board of Adjustment of Alachua County.

Parent parcel 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.

Yard: An area on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery, landscape elements and uncovered steps, decks, balconies or porches.

Yard, front: The yard extending across the full width of the lot, extending from the front lot line to the front building line as established by the zoning district designation.

Yard, rear: The yard extending across the full width of the lot, extending between the rear lot line and the rear building line as established by the zoning district designation.

Yard, side: The yard extending between a side lot line and the side building line as established by the zoning district designation.

PARKING

CHAPTER 407 GENERAL DEVELOPMENT STANDARDS ARTICLE II PARKING LOADING AND STACKING

Sec. 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.

Sec. 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 of spaces may be exceeded or reduced by up to ten (10) percent. Applicants proposing greater than ten (10) percent variation must comply with Section 407.18.

Table 407.14.1 Parking Schedule	
Use	Required Number of Spaces
<i>Residential Uses:</i>	
Single-family, attached and detached	2 per dwelling unit
Multiple-family dwelling One-bedroom units <u>Two or more bedroom units</u>	1.5 per dwelling unit, plus 1 per 10 bedrooms 2 per dwelling unit, plus 1 per 10 bedrooms
Rooming house, dormitory, fraternity or sorority	1 per 2 beds
<u>Assisted living facility/Nursing Home</u>	1 per 2 persons of licensed capacity
Manufactured home park	2 per unit space
Nursing home	1 per 2 beds
Community residential homes	1 per 3 persons of licensed capacity, plus one per employee

<i>Public and Civic Uses:</i>	
Auditorium/Place of assembly/Civic Organization/Place of worship	1 per 5 seats of maximum seating capacity in the principal area of assembly
College or university/Vocational, business or technical school	1 per employee plus one space per 4 students of design capacity
Child Care Center, Adult Day Care	1 per 6 <u>persons</u> of licensed capacity
Elementary or middle school	10 plus 2 per classroom
Fire station	1 per person on duty on the largest shift
High school	1.5 spaces per employee plus one space per ten students of design capacity
Hospital	1 per bed
Library, museum, art gallery	1 per 400 sq. ft of gross floor area
Medical or dental office/Medical clinic	1 per 200 sq. ft GFA
Mortuary or funeral home	1 per 4 persons of licensed capacity, plus 1 per funeral vehicle, plus 1 per employee
Place of assembly/Civic organizations	1 per 5 seats of maximum seating capacity in the principal area of assembly
Place of worship	1 per 5 seats of maximum seating capacity in the principal area of assembly
Utilities	1 per employee
<i>Commercial Uses:</i>	
Arcade	1 per 500 sq. ft GFA
Banks and financial institutions	1 per 400 sq. ft GFA, plus required stacking spaces in accordance with Section 407.23
Barber or beauty shop	2 per operators' chair
Bar, cocktail lounge, tavern, and nightclub	14 per 1,000 sq. ft GFA
Bowling establishments	5 per lane
Offices, non-medical including governmental offices	1 per 250 sq. ft GFA
Car wash	1 per service <u>bay</u> , plus three stacking spaces
Convenience store or service station, with or without fuel sales	1 per fueling position, plus 2 per working bay, plus 1 per 200 sq. ft of sales area
Driving range	1 per tee plus one space per employee
Restaurant, maximum of 23 seats (stand-alone)	8 spaces, plus required stacking spaces in accordance with Section 407.23
Restaurant, minimum of 24 seats (stand-alone)	1 per 3 seats, plus required stacking spaces in accordance with Section 407.23
Golf course	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.)
Gym, spa or fitness center	10 plus 1 per 200 sq. ft GFA <u>in excess of 1,000 sq. ft</u>
Movie theaters	1 per 3 seats
Personal services, not otherwise specified (stand-alone)	1 per 400 sq. ft GFA

Retail Sales and Service, not otherwise specified	See 407.14(a) below Spaces per 1,000 sq. ft. GFA
Up to 20,000 sf	5
20,000 to 200,000 sf	4.5
Over 200,000 sf	4
RV Park/Campground	1 per RV or tent space
Hotel or Motel (as defined in Chapter 410)	1 per guest room
Entertainment and recreation, not otherwise specified	1 per 4 <u>persons</u> of maximum capacity
Self-service storage facilities	1 per employee
Vehicle sales and rental (including sales of boats and recreational vehicles)	1 per 2,000 sq. ft of display area whether indoors or outdoors, plus 1 per 500 sq. ft devoted to servicing vehicles
Vehicle repair	1 per 200 sq. ft GFA
Industrial Uses:	
Industrial Uses (other than Warehousing)	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
Mining, excavation, and fill operations	1 per employee
Warehousing, Storage and Distribution	1 per 1,000 sq. ft GFA
Waste-related services	1 per employee

(a) ~~Retail sales and service.~~ A retail sales and service establishment as defined in Chapter 410, 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.

Gross Floor Area (sq. ft.)	Spaces per 1,000 square feet	
	Minimum	Maximum
Up to 20,000 sf	5	5.5
20,000 to 200,000 sf	4.5	5
Over 200,000 sf	4	4.5

- (~~a~~) **Motorcycle parking.** One (1) motorcycle space shall be required per forty (40) vehicle spaces required by this Section. Motorcycle spaces are optional if less than forty (40) vehicle spaces are required. Motorcycle stalls shall be clearly labeled as such.
- (~~b~~) **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 applicant ~~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 (1) space to be provided for each two (2) employees based on the shift of maximum employment.~~

Sec. 407.18. - Parking reductions or increases.

Applicants for development plan review may ~~vary from~~ exceed the off-street parking schedule in Table 407.14.1 by greater than ten (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, shared parking, 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 Subsection 407.14(eb). 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.~~

Sec. 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 (5) 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 may be required to be constructed to provide for complete, unimpeded circulation throughout the site.

CHAPTER 410 DEFINITIONS
ARTICLE III DEFINED TERMS

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.