



Alachua County – Growth Management Staff Report

An Amendment to the Special Exception Criteria in the ULDC

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Requested Action

Staff is requesting that the proposed amendments to the Unified Land Development Code (ULDC) be adopted with a public hearing before the Board acting as the LDRC (Land Development Regulation Committee) to make a finding of consistency with the ULDC and Plan. The Board should then reconvene as the BoCC to adopt the proposed changes to the ULDC.

Background

The Unified Land Development Code (ULDC) provides criteria for approval of special exceptions (Section 402.113). These broad-based criteria are used for approval of any special exception and include factors such as consistency with the Plan, impacts to public health, safety and welfare as well as potential site-specific impacts such as noise, odor, glare, ingress and egress, buffers, utilities and parking. In addition, there are specific approval criteria for certain types of special exceptions found in the ULDC such as farmworker housing, kennels and recreational camps.

The Board has requested that staff investigate whether additional approval criteria can be developed to aid the Board during the special exception approval process. These approval criteria should assist the Board in considering certain types of special exception applications beyond the general standards found in ULDC Section 402.113.

Analysis

Staff analyzed the various types and numbers of special exception applications. While there are more than 43 different special exception requests that can be made, the actual number of applications heard by the Board is very small (usually 1-2 annually) and centered around 2-3 types (outdoor recreation, lawn services and public utilities). Staff is therefore proposing to develop broad criteria around a number of 'types' found in the ULDC rather than focusing on lengthy criteria for specific uses that may rarely or never be heard by the Board.

The resulting ULDC language that has been added to the general criteria already found in Section 402.113 will hopefully aid the Board in the special exception approval process. These broad categories include types such as agriculture, transportation and entertainment and recreation. The specific language can be found below and are located in Section 402.113 of the ULDC for ease of reference.

Proposed Text Amendments

Sec. 402.113. Criteria for approval.

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

- (a) The proposed use is consistent with the Comprehensive Plan and ULDC;
- (b) The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
- (c) The proposed use shall not adversely affect the health, safety, and welfare of the public; and
- (d) Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
 - (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 - (2) Off-street parking and loading areas where required, with particular attention to Item (1) above;
 - (3) The noise, glare, or odor effects of the special exception on surrounding properties;
 - (4) Refuse and service areas, with particular reference to location, screening, and Items (1) and (2);
 - (5) Utilities, with reference to location and availability;
 - (6) Enhanced nutrient-reducing onsite sewage treatment and disposal system (ENR-OSTDS) if sewer connection is not available;
 - (7) Screening and buffering with reference to type, dimensions and character with particular emphasis on screening and buffering between residential and non-residential uses;
 - (8) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 - (9) Required yards and other greenspace;

- (10) General compatibility with surrounding properties;
- (11) Environmental justice issues related to the location of the facility within the county;
- (12) Impacts to both publicly and privately maintained road facilities and
- (13) Any special requirements set forth in this ULDC for the particular use involved.
- (e) For special exception applications not incorporating specific review criteria provided elsewhere in this Code, the Board shall make a finding using the general review criteria above and the additional considerations for those uses below by project type found in the Chapter 404 Article II Use Table when considering approval.
 - (1) For Agricultural uses including but not limited to Agricultural Services, Livestock Market, Slaughter Plant and Rural Medical Clinics, the Board shall consider consistency with surrounding agricultural and residential properties with emphasis on impacts to agricultural operations in the area;
 - (2) For Transportation uses including but not limited to Bus Stations, Airports and Private Landing Strips, the Board shall consider the service area of the proposed transportation facility if serving the public; transportation infrastructure needed to serve the proposed public facility including parking; noise impacts to outlying residential areas from facility operations and impacts to existing telecommunications facilities.
 - (3) For Entertainment and Recreation uses including but not limited to Entertainment and Recreation, Amusement Park and Zoos, the Board shall consider limits on the potential hours of operation and impacts from outdoor lighting and noise resulting from the intended use (for example an outdoor track or arena);
 - (4) For Retail uses including but not limited to Cocktail Lounges or Flea Markets, the Board shall consider limits on the potential hours of operation and impacts from outdoor lighting, especially in regard to parking areas.
 - (5) For Personal Services uses including but not limited to Gyms or Dance Studios, the Board shall consider limits on the potential hours of operation and impacts from outdoor lighting, especially in regard to parking areas.
 - (6) For Industrial uses including but not limited to Heavy Machinery Sales and Repair, Asphalt Plant, Waste Services and Storage of Hazardous Waste, the Board shall consider proximity to transportation facilities to serve the proposed use and potential long-term impacts related to closure of the facility.
 - (7) For all proposed special exceptions outside the urban cluster area for which water and sewer are not available, the Board shall consider enhanced nutrient-reducing onsite sewage treatment and disposal systems and provisions for water efficiency.

Staff Recommendation

Staff recommends that the BoCC convene as the Land Development Regulation Committee (LDRC) and find the proposed ULDC amendments consistent with both the Alachua County Code and Comprehensive Plan. The BoCC should then reconvene as the Board and adopt the proposed ULDC amendments.

