



ALACHUA COUNTY GROWTH MANAGEMENT AND PUBLIC WORKS DEPARTMENT STAFF REPORT

UNIFIED LAND DEVELOPMENT CODE TEXT AMENDMENT

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

APPLICATION NUMBER: TBD

CHRONOLOGY:

Request to Advertise	04/22/2025
BoCC 1 st Public Hearing	TBD
BoCC 2 nd and Adoption Hearing	TBD

STAFF RECOMMENDATION:

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

SUMMARY OF PROPOSED AMENDMENT

The proposed amendments aim to update the ULDC complying with Florida Statute for Floating Solar per Florida Statute (F.S.) 163.32051; Agritourism-Language to clarify substantial offsite impacts per F.S. 570.85-.86; Small Scale Comprehensive Plan amendments per F.S. 163.3187 clean-up; Home-Based Business per F.S. 559.955 clean-up; Obtaining CAD files for new development projects; and Road resurfacing requirements.

STAFF ANALYSIS OF THE PROPOSED TEXT AMENDMENTS

Comprehensive Plan Consistency

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

Future Land Use Element

Objective 6.2 Rural/Agriculture

Areas identified for Rural/Agriculture on the Future Land Use Map are for agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, farmers' markets, agritourism activities, composting, limited agricultural processing and wood product processing and wood manufacturing as provided in Policy 6.1.8 above, and agricultural products distribution. Rural residential uses, home-based businesses, rural event centers, heritage tourism and ecotourism activities, resource-based recreation and outdoor activity-based recreation are also allowed. ...

Policy 6.4.3

Commercial or institutional development may be permitted within a rural cluster, subject to the following standards:

(a) Commercial uses shall be limited to rural support services, retail sales, or personal services intended to serve the immediate population (such as farm implement sales, grocery stores, veterinarian services or clinics to serve the rural and farming community, pharmacies, medical or dental offices, hospitality uses supportive of agritourism and heritage tourism activities, or co-operative or farmers markets to promote the sale of locally grown products.

Policy 7.1.22

It shall be the policy of Alachua County to establish a mechanism for consideration of large-scale Comprehensive Plan Amendments, small-scale Comprehensive Plan Amendments and Plan Amendments due to emergency, and amendments due to any proposed Development of Regional Impact, consistent with Section 163.3184 and 163.3187, Florida Statutes.

Energy Element

OBJECTIVE 6.1

Encourage renewable energy production and a countywide system of distributed residential and commercial power generation.

OBJECTIVE 6.2

Increase the use of solar and other forms of renewable energy by County residents, businesses and agricultural operations.

Stormwater Management Element

Policy 1.1.1

The current inventory program for County owned/maintained stormwater management facilities shall be expanded to include privately owned/maintained facilities as a part of the National

Pollution Discharge Elimination System (NPDES), Phase II permit that must be obtained from the United States Environmental Protection Agency (EPA). The County shall develop a rating system for the evaluation of all stormwater management facilities. The criteria shall include the information needed for the acquisition of the NPDES, Phase II permit. All existing facilities shall be completely inventoried and re-evaluated with the new rating criteria within the five-year planning period. All new facilities shall be immediately incorporated into the inventory program utilizing the new rating system.

Transportation Mobility Element

Policy 1.3.1

Proposed development shall be reviewed during the Development Review process for the provision of adequate and safe on-site circulation, including pedestrian and bicycle facilities, public transit facilities, access modifications, loading facilities, and parking facilities. In addition to Comprehensive Plan policies, such review shall include FDOT access management standards. Design criteria, standards, and requirements to implement this policy shall be included in the update of the land development regulations.

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.

TOPICS:

Home-Based Business

Analysis: This is to clean-up one section that was missed during the overall compliance with F.S. 559.955 adopted by the BoCC in 2023.

Floating Solar

Analysis: Florida Statute 163.32051 requires “floatovoltaics” or floating solar facilities as an energy tool permitted on manmade wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs. Staff propose updating ULDC Sec. 404.50.5 Solar facilities and ULDC 410 Definitions to include the floating solar as an expanded use for solar facilities.

Small-Scale Comprehensive Plan Amendments

Analysis: This update is to align our definition with the requirements of F.S. 163.3187 in 2023 changing small-scale comprehensive plan amendments from involving 10 acres to 50 acres.

Agritourism Substantial Offsite Impacts

Analysis: Florida Statute 570.85-.86 promotes agritourism and prohibits local jurisdictions from adopting or enforcing a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land.

Florida Statutes Section 193.461 (5) defines "agricultural purposes" to include, but not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in F.S. 597.0015; algaculture; sod farming; and all forms of farm products as defined in F.S. 823.14(3) and farm production.

However, F.S. Sections 570.85 - .86 do not limit the powers and duties of local government to address substantial offsite impacts of agritourism activities. Staff propose establishing standards for consistent application to address substantial offsite impacts from agritourism activities considering public health, safety and welfare of the community.

Additional update relates to permitting restaurants in agricultural rural business (A-RB) district as an accessory to an active agricultural operation for agritourism purposes.

Submission of CAD files for acceptance of the right-of-way and stormwater facilities.

ULDC Section 407.86 is the inspection and acceptance of required improvements. This section includes in (c) and (d) the submittal of 'required documents', with (d)(1)b requiring a signed & sealed as-built survey. Public Works would like to update this section to include the submittal of "Electronic CAD files" similar to Section 407.141(i)(4)a and other locations. As Alachua County is capturing this information in our mapping and asset databases, this electronic submittal will provide a significant increase in efficiency of this process.

Resurfacing improvements of existing roadway connections.

ULDC Section 407.133(d) describes the specifications for milling and resurfacing existing roadway connections and the improvements the developer needs to make. The proposed language clarifies the requirement on development projects and provides for a better transition with the County's pavement management System.

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 Board of County Commissioners approve the request to advertise two public hearings for amendments to the ULDC for adoption.

Staff propose amending the ULDC text, as shown with words ~~stricken~~ as deletions and words underlined as additions, as follows:

HOME-BASED BUSINESS

CHAPTER 404. - USE REGULATIONS ARTICLE III- AGRICULTURE

Sec. 404.15. Farm machinery and lawn and garden equipment repair.

Farm machinery and lawn and garden equipment repair is permitted by right in the following districts: A-RB, BA, BA-1, MS, and MP. Where permitted as a limited use in the A district, a farm machinery or lawn and garden repair facility shall operate only as a ~~rural~~ home-based business in compliance with the standards of Section 404.6~~23~~ of this Chapter.

FLOATING SOLAR FACILITIES “FLOATOVOLTAICS”

CHAPTER 404. - USE REGULATIONS ARTICLE XI. UTILITIES

Sec. 404.50.5. Solar facilities.

Solar facilities may be allowed as a limited use in the A district with the exception of those parcels subject to a special exception application to construct a solar facility prior to July 1, 2021, where they may be allowed with a special exception. Solar facilities may also be allowed with a special exception in A-RB, RE, RE-1, R-1a, R-1aa, 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, and MB districts.

Where allowed as a limited use, Solar facilities shall ~~be located subject to the following standards:~~ Shall provide a high density buffer with vegetation and screening consistent with Table 407.43.2, and a width consistent with the table below. unless otherwise approved by the Board through a special exception. The buffer shall be of the following minimum widths: Where approved as part of a special exception, the Board may approve a different buffer width or density.

Adjacent Existing Land Use	Buffer Width
Residential	150'
All other uses	75'

CHAPTER 410 DEFINITIONS ARTICLE III DEFINED TERMS

Solar facility: A production facility for electric power which uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite. A solar facility consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components. Solar facilities may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage

equipment, and related accessory uses and structures. Photovoltaic modules mounted on buildings or that are accessory to an otherwise developed property are not considered solar facilities. This definition includes solar facilities located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs.

SMALL SCALE COMPREHENSIVE PLAN AMENDMENTS

CHAPTER 410 DEFINITIONS ARTICLE III DEFINED TERMS

Small-scale Comprehensive Plan amendment: A small scale development amendment may be adopted under the following conditions:

- (a) The proposed amendment involves a use of ~~ten (10)~~ 50 acres or fewer and:
- (b) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this Section.
- (c) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of F.S. § 420.0004(3), and is located within an area of critical state concern designated by F.S. § 380.0552 or by the Administration Commission pursuant to F.S. § 380.05(1).

AGRITOURISM SUBSTANTIAL OFFSITE IMPACTS

CHAPTER 404. - USE REGULATIONS ARTICLE III

Sec. 404.09. Agricultural uses.

Agricultural uses are permitted by right in the A and A-RB districts and are allowed as limited uses in all other districts only on properties of one acre or more, except as otherwise prohibited in Section 404.13 for raising of poultry and livestock on less than five acres. Growing and processing of all other agricultural products for personal use is permitted on any property. Agritourism and ecotourism activities may be allowed subject to the following to mitigate substantial off-site impacts:

~~(a) Agritourism and ecotourism activities.~~

(4a) Agritourism and ecotourism activities such as tours, farm meals, classes, wildlife observation, workshops, and other educational activities are permitted as accessory to an ongoing agricultural use.

- 1a. An operation offering such activities must have direct access to a public road meeting County standards for sufficient right-of-way, minimum width, stabilization requirements, and maintenance.

- 2b. Any related site alteration or construction of temporary or permanent structures not otherwise required for the ongoing agricultural operation shall be subject to building permit and development plan approval and all applicable development standards in Chapter 407 of this ULDC and with the following standards for that portion of the site proposed for use as part of the agritourism or ecotourism activity to mitigate substantial offsite impacts:
- i. Lighting levels for necessary security and safety are permitted. Lighting associated with agritourism activities shall minimize light trespass to adjacent properties. Maximum maintained illumination measures within 25 feet of the property line shall not be more than one half (.5) footcandles.
 - ii. The property must have adequate space for on-site parking outside of public rights-of-way.
 - iii. Agritourism activities that result in more than 50 weekday peak hour trips will require a traffic impact analysis to determine if any improvements are needed.
- (2b) Restaurants and tasting rooms may be allowed as accessory to an ongoing agricultural use subject to the standards of Section 404.67.5 of this Chapter.
- (3c) Bed and breakfast facilities may be allowed as accessory to an ongoing agricultural use subject to the standards of Section 404.70 of this Chapter.

Sec. 404.67.5. Restaurant.

A restaurant is allowed as a permitted use in the BR, BR-1, BH, BA, BA-1, BW, and MB districts and in traditional neighborhood and transit oriented developments TODs. A restaurant is allowed as an accessory use to industrial uses within the ML, MS and MP districts. A restaurant is allowed as an accessory use to an active agricultural operation for agritourism purposes in the A and A-RB zoning district subject to development plan review and the following standards:-

~~(a) — Restaurants in the agriculture (A) district.~~

- (1a) Restaurants may be allowed in the A district as an accessory use to an active agricultural operation for agritourism purposes and must utilize agricultural products grown and processed onsite.
- (b) The restaurant ~~shall~~ must not be part of a chain or a franchise and ~~shall~~ must not exceed a seating capacity of twenty (20).
- (2c) The property must have direct access to a public road meeting County requirements for sufficient right-of-way, minimum width, stabilization requirements and maintenance.
- (3d) Drive-through facilities are prohibited.

CHAPTER 404 USE REGULATIONS
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				
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																							
FOOD AND BEVERAGE																							
Restaurant	L	A												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																P	P	P			SE	P	
Mobile food sales		L												L	L	L	L	L	L	L	L	L	Section 404.69.1
Small-scale alcoholic beverage production facility	A																	P	P	P			Section 404.69.2

SUBMISSION OF CAD FILES FOR ACCEPTANCE OF THE RIGHT OF WAY AND STORMWATER FACILITIES.

CHAPTER 407 GENERAL DEVELOPMENT STANDARDS ARTICLE XIII ACCESS MANAGEMENT AND STREET NETWORK STANDARDS

Sec. 407.86 Inspection and acceptance of required improvements.

(c) Approval and acceptance for maintenance of right-of-way.

- (1) The applicant shall be responsible for the maintenance and operation associated with the capital facilities until approval for maintenance is issued.
- (2) After successful completion of all improvements, and after receipt of the required documents, the County shall provide a certificate of completion verifying the satisfactory construction of all required project improvements. The required documents shall include the following:
 - a. A signed and sealed design engineer of record's certification of completion of all infrastructure improvements and construction in substantial compliance with approved design in a form approved by the County Engineer. A copy of the as-built certification to the appropriate water management district shall also be provided.
 - b. An irrevocable letter of credit or acceptable surety per Subsection (b) above.
 - c. Electronic Computer aided design (CAD) files of all roads including linework for the right-of-way, sidewalks/paths, stormwater piping, and roadways.
- (3) After one (1) year of maintenance by the applicant and verification by the County of satisfactory performance of all public improvements, the County Engineer shall issue a letter of acceptance for maintenance, thereby releasing the applicant from further responsibilities or liabilities, except that when a public improvement has a latent defect, the applicant's responsibilities and liabilities shall not be released until one (1) year from the date the defect was discovered, but in no event shall the applicant be responsible or liable more than five (5) years after the County issues an approval for maintenance.

(d) Approval of stormwater management facilities.

- (1) After successful completion of improvements, and after receipt of the required documents, the County shall provide a certificate of completion verifying the satisfactory construction and function of all stormwater management facilities. The required documents shall include the following:
 - a. A signed and sealed design engineer of record's certification of completion of stormwater management facilities construction in substantial compliance with the approved design. A copy of the as-built certification to the appropriate water management district shall also be provided.
 - b. A signed and sealed by a Florida Professional surveyor and mapper topographic as-built survey of the stormwater management facilities including all basins, structures, and conveyances as part of the request for a certificate of completion.
 - c. An irrevocable letter of credit or acceptable surety per Subsection (b) of this Section.
 - d. Electronic CAD files of all stormwater management facilities.

RESURFACING IMPROVEMENTS OF EXISTING ROADWAY CONNECTIONS.

Sec. 407.133 Additional information for Class II, III and IV connections.

(d) Design profile along the centerline of the driveway and typical cross section of the driveway showing the proposed pavement design.

- (1) Class II connections and improvements with an ADT less than or equal to one thousand two hundred (1,200) shall be constructed with a minimum pavement thickness of one and one-half (1.5) inches, a minimum base thickness of eight (8) inches, and a minimum subgrade bearing ratio (LBR) of forty (40). All pavement widening shall include the milling of one (1) foot of the existing edge and resurfacing of the entire width of pavement. Deceleration and acceleration tapers for Class II driveways must match this these same criteria.
- (2) Class III connections and improvements with an ADT between one thousand two hundred (1,200) and two thousand five hundred (2,500) shall be constructed with a minimum pavement thickness of two (2) inches of structural asphalt, a minimum base thickness of ten (10) inches and a minimum subgrade LBR of forty (40). All pavement widening shall include the milling of one (1) foot of the existing edge and resurfacing of the entire width of pavement. Deceleration and acceleration tapers for Class III and IV driveways must match these same criteria.
- (3) Class III connections and improvements with an ADT greater than two thousand five hundred one (2,501) shall be constructed with a minimum pavement thickness of two (2) inches of structural asphalt and one and one-half (1.5) inches of friction course, a minimum base thickness of ten inches and a minimum subgrade LBR of forty (40). All pavement widening shall include the milling of one (1) foot of the existing edge and resurfacing of the entire width of pavement. Deceleration and acceleration tapers for Class III and IV driveways must match these same criteria.
- (4) Class IV improvements shall be constructed in accordance with the applicable standards for that facility.