

Highlights of Changes in Chapter 400 – 404 of the Unified Land Development Code

Chapter 400 General Provisions

On page 400-2 Purpose Statement

Added # 18 to the purpose statement to promote energy-efficient land use patterns

Chapter 401 Development Review Bodies

Article 5 Development Review Committee

Page 401-13

Section 401.13 Composition and Officers (a) Officers

Clarified that it is not the Director of Growth Management that chairs the DRC Committee.

Page 401-13

Section 402.17 Powers and Duties (a) Review and Approval

Explanation: These are all clarifications not changes to requirements or practice.

Page 401-15 and 401-16

Section 401.20 Development Review Departments Powers and Duties

Deleted requirements in Section 401.20 (a) 2. Development Review Committee. These requirements are in 401.17 (a) so we just referenced that section.

Article 6 Development Review Departments

Page 401-17

Section 401.20 (c) Environmental Protection Department Decisions

Added # 7 – dewatering activities when discharging into wetlands, conservation or preservation

Page 401-18

Section 401.20 (b) Growth Management Department

Amended #15 to allow administrative review for change of use to a permitted and some limited uses within a zoning category.

Explanation: This clarifies what must go to admin review versus a full DRC review.

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Page 408-19

Section 401.20 (d) Public Works Department

Added #8 Temporary Construction stockpiles

Added #9 dewatering activities with offsite discharge

Explanation: This is not a new requirement or practice only a clarification.

Chapter 402 Development Review Application Procedures

Page 402-1

Under Contents we deleted Article 20 – Development inside the Urban Cluster but Outside the Urban Services Line

Explanation: The Urban Services line has been deleted from the Future Land Use Map

Article 2. Common Development Application Elements

Page 402-5

Clarified Survey requirements in #11 - this is not a change to requirements or practice

Article 4 Notice of Hearings

Page 402-10

Table 402.12.1 Notice Requirements

Added Planned Developments to minor Amendments and Rezoning. This is a clarification not a change in requirements or practice.

Page 402-11

Section 402.14 Procedure for Mailed Notice

Clarified who mails notices – the applicant or staff.

Explanation: In the 2005 update the code was amended to say the applicant will mail notices for public hearings. In practice this does not work so staff has been mailing the notices and will continue to do so.

Page 402-13

Section 402.14 (c) Department Verification

Code required verification of neighborhood workshop notice being mailed within 48 hours of the applicant mailing the notices. This has been amended to say that verification may be submitted with the application.

Explanation: There is no reason to require the verification before the application is submitted.

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Page 402-13

Section 402.15 Procedure for Published Notice

Clarified DRC notice and clarified content of advertisements

Page 402-14

Section 402.16 Requirements for Posted Notice

Clarified what is required - no change

Article 6 Time Limitations for Development Orders

Page 402-18, 19

Section 402.20(e) Permit Extensions Granted by Act of Legislature

Included most recent legislative changes into this section

Article 7 Comprehensive Plan Amendments

Page 402-22

Section 402.26 Processing of Applications

Clarified references to statutes based on new legislation.

Page 402-23

Section 402.28 Large-scale Amendments

Changed “advertized in a newspaper” to “will provide notice” based on changes in statutory requirements

Page 402-24

Section 402.30 Review of Applications (c) Board of County Commissioners Review

Deleted language referring to statute exemptions as statute has changed.

Article 10 Development Plan Review

Page 402-31

Table 402.44.1 added institutional thresholds to the table for those items that require Board review of preliminary plans.

Explanation – this was an oversight from the 2005 update.

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Article 14 Rezoning, Planned Development District

Page 402-44

Section 402.86 Implementation of Zoning Master Plan

Minor clarifications to language – no change to requirements or practice

Page 402-45

Section 402.89 Revision of Planned Development District

Clarified that section referred to PD and not Zoning Master Plan

Article 15 Activity Centers

Page 402-48

Section 402.93 Activity Center Master Plans

Clarified language because Activity Center Master Plans are not always required

Article 17 Special Exceptions

Page 402-61

Section 402.110 Public Notice Requirements

Reworded for clarity

Page 402-62

Section 402.115 Minor and Major Amendments to Existing Special Exceptions

Moved wording on minor amendments – no change

Page 402-63

Section 402.115.5 Voluntary Termination

New language for process to voluntarily terminate a special use permit (SUP) or special exception (SE)

Explanation: Some uses no longer require an SUP or SE and there was no process for an applicant to voluntarily terminate the permit

Article 18 Special Use Permits

Page 402-66

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Section 402.126 Minor and Major Amendments to Existing Special Use Permits

Clarified language – no change in practice or requirements

Added Section 402.126.5 Voluntary Termination (of Special Use Permit)

Article 19 Traditional Neighborhood and Transit Oriented Development Applications

Page 402-68

Section 402.130 (c) Preliminary Development Plan

Added requirements for conceptual street types (#5) and the maintenance entity for roads to be named (#6) at the preliminary development plan stage.

Article 20 Development Inside the Urban Cluster Line but outside the Urban Services Line

Pages 402-67 – 402-71

Deleted entire Article 20

Explanation: Urban services line was deleted from the Future Land Use Map with the recent EAR-based Comprehensive Plan update.

Article 24 Temporary Placement Permits

Page 402-81

Section 402.146 (c) Construction and Sales and Leasing Office

Added requirement for the location of the construction and sales leasing office to be shown on the development plan and an approval process for the office if it is not shown on the plan.

Chapter 403 Zoning Districts

Article 3 Residential Zoning Districts

Page 403-5

Table 403.04.1 Lot Requirements for Agriculture Districts

Deleted lot depth requirements

Page 403-8

Table 403.07.2 Setback Requirements for Residential Lots

Clarified setbacks of front facing garages

Article 4 Commercial Districts

Page 403-13

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Section 403.13 Commercial District Requirements

Added dimensional requirements for subdivision of commercial property after development plans have been approved.

Article 5 Industrial Districts

Page 403-14 through page 403-16

Updated industrial district descriptions and standards

Explanation: The industrial district descriptions and standards were outdated and confusing. This change updates both light and heavy industrial districts and clarifies the Code language.

Chapter 404 Use Regulations

Article 2 Use Table

New uses added to table:

Community Gardens
Farmers Markets
Resource-based Recreation
Residential Recreational Camp
College or University

Uses Deleted:

Spray Irrigation

Article 3 Agriculture

Page 404-15

Section 404.09 Agriculture Uses (a) Agritourism and Ecotourism Activities

Standards for Agritourism and Ecotourism have been added.

Explanation: These uses are encouraged by the Comprehensive Plan but were not specifically allowed in our Code

Section 404.10 Agriculture Products Processing, Packaging, and Sale, Offsite

Expanded this use to the industrial districts and revised to allow limited accessory retail sales.

Page 404-16

Section 404.11 Roadside Produce Stands

Expanded products that may be sold to a limited amount of items grown off-site and related value-added goods.

Page 404-17

Section 404.12 Poultry or Livestock Raising on Parcels Less Than Five Acres

(b) Poultry Raising on Parcels Less Than Five Acres

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Added standards to allow chickens in residential districts. The standards include number of chickens allowed (6), prohibitions and types of enclosures and setbacks for the enclosures.

Explanation: backyard chickens have become increasingly popular with rising food costs and the eat-local movement. The City of Gainesville already allows residents to have chickens.

Page 404-19

Section 404.13 Community Garden

Added this to allow community gardens as a principal use of a lot in all zoning districts. Created standards to ensure that the lots were maintained.

Explanation: Community gardens were not specifically allowed as a principal use in the Code. They can supply fresh, cheap and healthy food to the neighborhood, reduce transportation costs and are a good use of vacant lots.

Section 404.13.5 Farmers' Market

Added Farmers' Markets as a use in the Agriculture and Commercial Districts and included standards for their location and operation.

Explanation: We have had repeated requests for farmers' markets and did not have them as a use in our Code.

Page 404-21

Section 402.16 Hunting Camp

Moved this to Resource-Based Recreation

Section 402.17 Rural Conference Center

Deleted this as a use. The same type of use is allowed in the new Residential Recreational Camps.

Article 4 Household Living

Page 404-26

Section 404.20 Single-Family Attached Dwelling

Deleted this section

Explanation: This was repeated language and unnecessary in this location.

Page 404-28 through 404-30

Section 404.24 Accessory Dwelling Units

Clarified architectural style requirements, property owner residency in either the principal or accessory unit requirements and homestead status requirements to be consistent with EAR-based updates to the Comprehensive Plan.

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Article 6 Adult and Child Care

Page 404-35

Section 404.31 Child Care Center

(b) Additional Standards for Accessory Child Care Centers

Added the allowance for an accessory child care center to exceed the 5,000 square foot limit by special exception. Clarified that the accessory child care center must be owned and operated by the operator of the principal use on site.

Explanation: Staff has found that in some instances the 5,000 square foot limit can be exceeded without impact to surrounding uses.

Article 13 Home-Based Business

Page 404-57

Section 404.62 Standards for General Home-Based Business

Added allowance for garages and similar structures to be used for storage of items used in the home-based business. Expanded allowance for sales of goods to include resale through the internet or mail order.

Explanation: These changes acknowledge practices that are common in home-based businesses and that have no impact on neighboring properties.

Page 404-58

Section 404.63 Standards for Rural Home-Based Business

Changed approval requirement for rural home-based businesses from the Development Review Committee to the Growth Management Department. Rural home-based businesses may now be approved administratively.

Deleted size requirements for accessory buildings. Not necessary with other regulations on noise and impact.

Explanation: Reduced cost and time for the applicant.

Article 14 Entertainment and Recreation

Page 404-61

Section 404.65 Dock

Moved this section to Resource-Based Recreation in Article 3 Agriculture

Page 404-62

Section 404.66 Marina

Moved the marina standards under Resource-Based Recreation in Article 28 (§404.110)

Page 404-62,63

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Section 404.66.5 Golf Courses

Added standards for golf courses and changed the approval process to a special exception.

Explanation: The standards ensure that development of golf courses will meet the County's conservation and water retention standards.

Article 15 Food and Beverage

Page 404-66, 67

Section 404.67.5 Restaurant

(a) Restaurants in the Agriculture (A) District

Allowed restaurants as an accessory use to an agriculture operation with standards that require food and/or beverage served to include use of products grown and processed on site.

Explanation: The updated Comprehensive Plan encourages agritourism and this is one means of promoting it.

(c) Dogs in Designated Outdoor Dining Areas

New language that allows restaurants with outdoor dining areas to obtain permits to allow dogs in the outdoor dining area.

Explanation: The County Commission asked staff to consider the option of allowing dogs in these establishments. The language is taken from a 2006 statute that provided for this use and details what must be in any ordinance that allows dogs in outdoor dining areas.

Article 16 Overnight Accommodations

Page 404-69

Section 404.70 Bed and Breakfast

(d) Parking and Access

Created allowance for bed and breakfasts in the Agriculture district to have direct access to a public road meeting county standards but not necessarily a paved road. All other districts would still require access to a paved road.

Article 17 Retail Sales and Service

Page 404-73

Section 407.75.5 Large-Scale Retail

Deleted requirement for large-scale retail to be part of an Activity Center Master Plan. Activity Center Master Plan requirements were deleted in general.

Article 19 Vehicle Sales and Service

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Page 404-75

Section 404.78 Vehicle and Trailer Rental

Clarified standards for vehicle and trailer rental (formerly Automotive Rental)

Explanation: These standards were recently updated but excluded vehicle rentals as a principal use on a lot. These changes clarify districts and accessory use requirements.

Article 20 Outdoor Storage and Display

Page 404-78

Section 404.82.5 Parking of Trucks, Recreational Vehicles and Trailers

Increased the weight on vehicles allowed to be parked outside of an enclosed structure and clarified that RVs may not be used for living purposes on residential or agricultural lots (unless allowed as part of a hunting camp or RV park).

Article 21 Wholesaling, Warehousing, Storage and Distribution

Page 404-80

Section 404.82.6 Wholesaling, Warehousing Storage and Distribution

Moved wholesaling and warehousing of agriculture products from Article 3 Agriculture to combine with this use

Article 22 Light Industrial

Page 404-81

Section 404.83.5 Light Industrial

Clarified the definition of light industrial uses

Article 23 Waste-Related Services

Page 404-84

Section 404.89 Land Application of Biosolids

Added the language that land application of biosolids is not allowed in High Aquifer Recharge Areas.

Article 24 Mining or Excavation and Fill Operations

Page 404-86

Section 404.95 Special Use Permit and Development Approval Required

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(a) Expiration of Special Use Permit and Development Plans

Created allowance for renewal requests of C&D special use permits to be handled as a minor amendment to the special use permit rather than going through the full renewal process, provided there have been no violations on site and the operator is making no changes to the permit conditions other than to extend the timeframe. Added an allowance for general surveys to be submitted with these types of renewals instead of topographic surveys which are much more expensive and unnecessary for these types of renewals.

Page 404-89

Section 404.97 Site Development and Operational Standards

(b) Screening and buffering

Added # 3 that requires setbacks sufficient to protect significant geologic features where blasting is proposed.

Explanation: These setbacks will have to be determined on a case-by-case basis with the special use permit.

Article 28 Resource-Based Recreation

Page 404-104,105

Created resourced-based recreation as a use and moved docks, hunting and fishing camps into this new article.

Created a new use Residential Recreation Camps

Explanation: The Code has no provisions for developing an overnight children's camp or similar use. This use fits within the resource-based recreation category in the Comprehensive Plan.