

Chapter 402 Development Application Review Procedures

Contents

Article 1	Applicability and General Provisions.....	402-1
Article 2	Common Development Application Elements.....	402-4
Article 3	Preliminary Procedures for All Applications.....	402-8
Article 4	Notice of Hearings.....	402-10
Article 5	Neighborhood Workshops.....	402-16
Article 6	Time Limitations for Development Orders.....	402-18
Article 7	Comprehensive Plan Amendment.....	402-22
Article 8	Unified Land Development Code Text Amendments.....	402-26
Article 9	Development Agreement.....	402-28
Article 10	Development Plan Review.....	402-29
Article 11	Interpretation of Regulations.....	402-35
Article 12	Platting.....	402-36
Article 13	Rezoning.....	402-41
Article 14	Rezoning, Planned Development District.....	402-44
Article 15	Activity Centers.....	402-48
Article 16	Special Area Plans.....	402-56
Article 17	Special Exceptions.....	402-60
Article 18	Special Use Permits.....	402-64
Article 19	Traditional Neighborhood and Transit Oriented Development Applications.....	402-68
Article 20	RESERVED Article 20..... Development inside the Urban Cluster but outside the Urban Services Line.....	402-71
Article 21	Water or Sewer Extension outside the Urban Cluster Line.....	402-73
Article 22	Building Permits.....	402-75
Article 23	Family Homestead Exceptions.....	402-76
Article 24	Temporary Placement Permits.....	402-80
Article 25	Temporary Use Permits.....	402-83
Article 26	Variances.....	402-87
Article 27	Vested Rights.....	402-90
Article 28	Appeal Procedures.....	402-98
Article 29	Transfer of Development Rights Program.....	402-103

Article 1 Applicability and General Provisions

402.01 Purpose

The purpose of this Chapter is to provide the procedures and general standards for review of development, development activity and other applications that are submitted to officers or bodies of Alachua County for review under this ULDC. Unless otherwise provided in this Chapter or this ULDC, the Director shall establish the detailed procedures for development review, including the following:

- (a) dates and deadlines for submitting applications;
- (b) application forms;
- (c) required documents and information to accompany application forms;

- (d) public notice;
- (e) completeness review;
- (f) sufficiency review;
- (g) review of responses to completeness or sufficiency reviews;
- (h) approval of applications for further consideration or public hearing;
- (i) form and preparation of Department or Development Review Committee recommendations; and
- (j) such other action as may be needed to provide development review in an objective, timely and thorough manner.

402.02 Applications for Development Approval

(a) Applicability

All development applications shall comply with the requirements of this Article and this Chapter.

(b) Submittal of Applications

Unless otherwise provided herein, all development applications shall be filed with the Department.

402.03 Effect of Overdue Taxes, Liens and Fines

(a) Application Information

In addition to the application information required by other parts of this Chapter, an applicant shall provide with the application evidence that all property taxes and other obligations owed Alachua County related to the property are current.

(b) Application not to be Processed

An application that includes property for which there are overdue taxes or other financial obligations to Alachua County shall not be reviewed or processed by the Department, except in those cases where development plan approval is a requirement to correct a violation.

402.03.5 Building Permit Review for Affordable Housing Units

(a) Applicability

This Section applies to all housing units funded by any of the following programs below:

1. Community Development Block Grant
2. State Housing Initiatives Partnership Program (SHIP)
3. Impact Fee Assistance Program
4. Other (i.e housing tax credit program)

(b) Processing of Building Permits

Building permits for projects meeting the affordable housing guidelines above shall be available (processed) within six business days from the day the application is found sufficient and complete. No default permit is issued on account of this deadline.

(c) Application Information

In addition to the required information necessary to obtain a building permit, all affordable housing units seeking expedited review shall submit an *Alachua County Expedited Review Process for Affordable Housing Units* form.

DRAFT

Article 2 Common Development Application Elements

402.04 Application Screening for Administrative Permits

(a) Pre-Application Request for Information

A property owner or person with legal authority under §402.06(b) may submit a pre-application screening request to the Growth Management Department prior to submittal of a permit application to identify any issues related to the parcel and permit request. The following information should be provided as part of the pre-application screening request:

1. Tax parcel number and physical address;
2. Contact information, including name, telephone number, and e-mail address if applicable; and
3. General location and description of proposed activities.

(b) Application Screening

Before an application is approved by the County for an administrative permit, as provided for in Chapter 401, Article 6, Development Review Bodies, the following application material shall be submitted to the Growth Management Department to determine compliance with this ULDC and signed off on by the Growth Management Department, Public Works Department, and the Environmental Protection Department:

1. Content

- a. Survey of the parcel where activity is proposed, drawn to scale, including a north arrow and scale showing:
 - i. Parcel boundaries with dimensions;
 - ii. Locations of all proposed improvements with dimensions from two intersecting property lines to the proposed structure and showing all proposed improvements including but not limited to access, structures, septic system, wells, and utilities;
 - iii. Locations of all existing improvements, and
 - iv. Locations of all existing and proposed easements.
- b. Tax parcel number and physical address; and
- c. Contact information, including name, telephone number, and e-mail address if applicable.

(c) Exceptions

The following administrative applications are not required to submit the information in subsection (b) of this Section for application screening:

1. Subdivisions, Plats and Non-residential Developments Approved After May 2, 2005

Subdivisions, plats and non-residential developments approved after May 2, 2005 by the DRC or Board of County Commissioners under this ULDC, provided the administrative permit request is consistent with the approved activities, parameters, and requirements of the development plan, subdivision

and/or plat, unless the lot is specifically identified by the authorizing review body as needing screening review as part of final approval.

2. Lots Approved Through Pre-Screening

Administrative applications where the property has been prescreened for the proposed activity through the prescreening process identified in subsection (a) of this Section.

3. Other Lots Found to be in Compliance

Other subdivisions, projects, plats, or lots that have been found to be in compliance with this ULDC and the Comprehensive Plan, and already reviewed by the Growth Management Department, Public Works Department, and the Environmental Protection Department. A list of such developments or properties shall be maintained at the Growth Management Department.

402.05 Development Application Forms

(a) Content

The Director shall establish application forms to be submitted to the Department for all development applications referenced in this Chapter. The information required to accompany each type of development application that is submitted to the Department shall include but is not limited to the following:

1. authority to submit an application, in a form approved by the County Attorney;
2. statement of how the development proposal is consistent with the Comprehensive Plan;
3. statement of how the development proposal is consistent with the Comprehensive Plans of all other jurisdictions within the market area, if applicable.
4. statement of how the development proposal is consistent with the applicable standards and criteria of this ULDC;
5. evidence of compliance with all applicable elements of the County's concurrency management system as provided in Chapter 407, Article 12 of this ULDC;
6. documentation or professional studies for natural resources assessment (§406.04, Chapter 406) and tree survey, landscape plan, public school impact, sign plan, solid waste disposal and recycling, stormwater management, erosion and sedimentation control, traffic impacts, water and sewer utilities, environmental monitoring plan, pollution prevention plan, and similar information as may be required by the Director;
7. development plans;
8. activity center development plan requirements listed in §402.94(b),
9. master plan or zoning master plan with all related attachments, if applicable;
10. phasing plan, if applicable;
11. boundary survey of the entire property meeting the technical standards of Florida Administrative Code 5J-17.050 through 5J-17.052, completed within

two years of the application date and containing a legal description and the total acreage calculated to one-tenth of an acre, if applicable;

12. architectural elevations, if applicable;
13. warranty deed, or such other deed as may be required by the Director;
14. fees, as established by the Board of County Commissioners;
15. market study, if applicable;
16. fiscal impacts including the timing of any needed infrastructure improvements or new facilities, if applicable;
17. employment study, if applicable;
18. an evaluation of the impacts of proposed Comprehensive Plan or Land Development Regulation amendments on the initial cost of housing, the long-term cost of home ownership and the fiscal impacts to the County and the County's taxpayers.
19. All ADA accessible routes must be identified on the development plans.

(b) Submittal of Forms

All development applications shall be submitted, on these forms and in such numbers as required, to the Department of Growth Management.

402.06

Authority to File Applications

(a) Legal Authority Required

Applications shall only be accepted with signatures from persons having the legal authority to submit them.

(b) Persons with Legal Authority

For the purposes of this Article, applications shall be made by any of the following:

1. owners of a property that is subject to a development application;
2. lessees of property subject to a development application, with the notarized written permission of the property owner;
3. the agents of a property owner or lessee, with the notarized written permission of the property owner; or
4. persons who have contracted to purchase property contingent upon receiving the necessary approval under this ordinance, or the agents of such persons, with the notarized written permission of the property owner.

(c) Authority to Submit Application

The Director of Growth Management may require an applicant to present evidence of authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.

(d) Authority to Access the Property

Owners of property shall make available to Alachua County staff a means of reasonable access to the property for which an application has been submitted.

402.07

Fees

Fees shall be paid according to the fee schedule established by resolution by the Board of County Commissioners.

(a) Revised Applications

Any substantial applicant-initiated revisions shall require payment of additional fees. For the purposes of this Section, the Director shall determine if a proposed revision is to be deemed substantial, and the determination can include such factors as:

1. increase or decrease in land area included within an application;
2. change in uses;
3. change in the density or intensity of a project;
4. modification of proposed development plan, such as a change in vehicular access, change in building location or change in dwelling unit type;
5. reduction or relocation of proposed buffers, landscaping or conservation areas; and
6. change or elimination of conditions included as part of a development application approval.

(b) Withdrawn Applications

Upon written request to the Director, an applicant who has paid the appropriate fee but withdraws the application prior to any review or advertising by County staff may be entitled to a partial refund.

Article 3 Preliminary Procedures for All Applications

402.08 Applicability of Preliminary Procedures

The requirements of this Article shall, unless otherwise expressly provided in this Chapter, apply to all development applications.

402.09 Determination of Completeness

(a) Completeness Determination

Applications will be checked for completeness at time of submittal. An application shall be deemed complete when it contains all required information and documents.

(b) Complete Application

Once an application has been deemed to be complete, staff shall then perform the sufficiency review.

(c) Effect of Incomplete Application

Incomplete applications will not be accepted for review. If an application is determined to be incomplete, the applicant shall be notified of the additional information that is required to continue review of the application.

402.10 Determination of Sufficiency

(a) Sufficiency Determination

A determination of sufficiency shall be made after an application is determined to be complete. An application shall be deemed sufficient if all required information and documents have been prepared in accordance with professionally accepted standards. If an application is determined to be insufficient, the applicant shall be notified in writing of the specific nature of additional information that is required to continue or conclude review of the application.

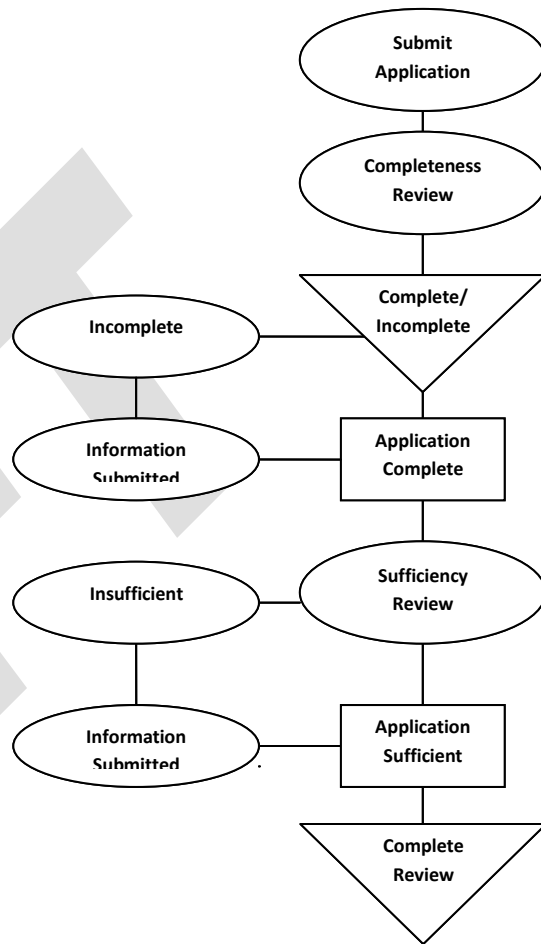
(b) Sufficient Application

Once an application has been deemed to be sufficient, staff review shall commence and the application shall be placed on the next available agenda of the appropriate reviewing body.

(c) Effect of Insufficient Application

An applicant has 90 days from receipt of written notification of insufficiency to provide all the necessary information to remedy an insufficient application. The application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

1. The applicant provides all the information necessary to remedy an insufficient application; or



2. The applicant may provide documentation to establish that the applicant is continuing in good faith to remedy the insufficiencies pursuant to 402.20(b)2; or
3. The applicant requests in writing, that the application be processed in its present form. In this case the applicant acknowledges that the application has been determined by the Director to be insufficient, the applicant waives the right to supplement the application with additional information, and the applicant agrees to allow a decision on the application based on the information submitted. The application shall then be processed in its present form.

402.10.5 Expiration of Applications

If more than a year has passed since an application was determined to be sufficient, it is not under active review by staff, and there is no outstanding request to advance the application, it shall be deemed expired and a new application must be submitted for review.

Article 4 Notice of Hearings

402.11 Applicability

(a) Public Meetings

All meetings of the Board of County Commissioners, the Planning Commission, the Development Review Committee and the Board of Adjustment are public meetings and subject to the notice requirements under the Florida Statutes and the Rules of Procedure of the Board of County Commissioners.

(b) Hearings Required by this ULDC

Additional notice is required for most public hearings held in accordance with this ULDC. This Article sets out the minimum requirements for notice for such hearings.

402.12 Types of Public Notice

Forms of notice required for various public hearings may include mailed notice, published notice provided via a newspaper of general circulation, and posted notice by signs located on the subject property. Neighborhood workshops, in accordance with the procedures of Article 5, Neighborhood Workshops, of this Chapter, provide additional notice to the public regarding certain types of development applications. The public notice requirements for development applications are indicated in Table 402.12.1.

**Table 402.12.1
Required Public Notice for Development Applications**

Proposal	Types of Public Notice			
	Mailed	Published	Posted	Neighborhood Workshop
Comprehensive Plan Amendment, text		X		
Comprehensive Plan Amendment, map	X	X	X	X
ULDC Text Amendment		X		
Rezoning, or Rezoning to Planned Development (including Major Amendments) Rezoning	X	X	X	X
Special Exception, Special Use Permit (including Major Amendments)	X	X	X	X
Minor Amendment to Planned Development, Special Exception or Special Use Permit	X	X	X	
Development Plan		X	X	
Development Plan, Exceeding thresholds	X	X	X	X
Plat or Replat		X		
Variance	X	X		
Scenic Road Variance	X	X	X	
Activity Center Master Plan	X	X	X	X
Neighborhood Workshop	X	X		
Preliminary CLSC		X	X	

402.13 Content of Mailed and Published Notices

In addition to the content of mailed and published notices provided in this Section, published notice for a neighborhood workshop shall also be consistent with Article 5 of this Chapter. All mailed and published notices shall include, at a minimum, the information listed below.

(a) Statutory Requirements

Any information required by the Florida Statutes for published notice for the type of application which is the subject of the notice.

(b) Nature of Application

The application number, the application type, and a description of the proposal or request.

(c) Public Hearing Location, Time and Date

The location, time and date of all scheduled public hearings or workshops on the application.

(d) Location of the Subject Property

1. A description of the land involved by street address, if any, or by legal description or parcel number(s) of the subject parcels.
2. For mailed notices, a location map shall be included, indicating the location and general boundaries of the property, with reference to the closest intersection of public streets, when possible.

(e) Size of Subject Property

The total size of the parcels, rounded to the nearest one-tenth of an acre.

(f) Comprehensive Plan and Zoning Designations

The future land use map designation and zoning district of the property subject to the application.

(g) Materials Available for Public Information

The name, address and telephone number of the department in which the application, staff report and related materials may be inspected by the public, and the fact that information is available for public inspection during normal business hours.

1. Submittal of Written Materials

The name, address and telephone number of the department where the public may submit written comments or evidence prior to the public hearing.

2. Public Comment Allowed

A statement that affected parties may appear at the public hearing, be heard, and submit evidence and written comments.

402.14 Procedure for Mailed Notice

(a) To Whom Provided

When required, as shown in Table 402.12.1, notice shall be mailed by the applicant to all individuals and property owners indicated below, Notice for Neighborhood

~~Workshops except that Board of Adjustment Applications shall be mailed by the applicant. staff.~~

1. Property Owners of the Subject Property

All property owners of the land subject to the application shall be mailed a written notice of a public hearing or workshop.

2. Jurisdictions

All bodies of government, including other counties or municipalities, adjacent to land subject to the application shall be mailed a written notice of a public hearing or workshop.

3. Alachua County School Board

The Alachua County School Board shall be mailed a written notice of a public hearing or workshop concerning residential developments~~subdivisions~~.

4. Nearby Property Owners

The property owners listed below shall be mailed a written notice of a public hearing or workshop. When land that is the subject of an application is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the entire ownership. When the distance measurement from a property boundary as required below ends in a roadway, the property directly across the roadway shall also be mailed a written notice. Requirements for notice to abutting property owners shall mean those identified using the most recent available tax rolls at the time of development application.

a. Abutting Property Owners

All property owners within 500 feet of the boundaries of the property for application shall receive notice.

b. Abutting Properties Designated Rural Agriculture

If the parcel is located in an area designated Rural/Agriculture on the Future Land Use Map, all property owners within 1,320 feet of the boundaries of the property for application shall receive notice. Board of Adjustment applications shall only require that notices be mailed to property owners within 500 feet of the boundaries of the property for application.

c. Neighborhood and Property Owner's Associations

If any dwelling within the required notification area is part of a neighborhood association or property owner's association, and that information is a matter of record with the Department, the association shall receive notice.

d. Registered Associations or Individuals to Receive Agendas

All neighborhood associations or similar property owners' associations, or individuals that have registered with the Department shall receive, at minimum, the agendas for public meetings that consider development applications in Alachua County.

(b) Mailing and Postmarking

1. Timing of Mailed Notice

For any application requiring mailed notice, such notice shall be mailed a minimum of 15 days prior to the initial public hearing or workshop.

2. When Notice Deemed to be Mailed

Notice shall be deemed mailed by its deposit in the mail, properly addressed and with postage paid.

(c) Department Verification

The following information shall be submitted to the Department ~~within 24 hours of the mailout for notice of public hearings. For notice of neighborhood workshops,~~ This information shall be submitted as part of the application packet for which the neighborhood workshop meeting was required.

1. a notarized affidavit certifying that the notices were mailed in compliance with the standards of this section;
2. a copy of the mailed notice; and
3. the name and address list of property owners and jurisdictions to which the mailed notices were provided.

402.15

Procedure for Published Notice

~~**(a) Publishing of Public Notice**~~

~~When required, as shown in Table 402.12.1, public notice shall be published as required by Florida Statutes Chapter 125, Section 125.66 and Chapter 163, Section 163.3184.~~

~~**(b) Content and Publishing of Notice**~~

~~**4.(a) Preparation of Content and Publishing**~~

~~The Department shall prepare the content of the notice and be responsible for publishing the notice in the newspaper of general circulation selected by the County.~~

~~**2.(b) Content and Form of Notice**~~

- ~~1. For~~ The content and form of the published notice required by shall be consistent with the requirements of Florida Statutes Chapter 125, Section 125.66 and Chapter 163 Section 163.3184, the standards of those Sections shall apply as applicable. In addition, the notice shall contain the information as required by §402.13§402.16 of this ULDC.
- ~~2. For other published notices required by Table 402.12.1 the following standards shall apply:~~
 - a. The title of the advertisement shall be "Notice of Public Hearing";
 - b. Content of the advertisement shall include information as required in §402.13 of this ULDC; and
 - c. The advertisement shall be published no less than 7 days prior to the date of the public hearing.

402.16 Requirements for Posted Notice**(a) Content of Notice**

When required, as shown in Table 402.12.1, posted notices shall include the following information clearly written on the sign:

1. the type of application, visible from the street (Federal Highway Standards prescribed in the Manual on Uniform Traffic Control Devices, which is available on file with the Department of Public Works);
2. description of proposal or request;
- 2.3. zoning districts and future land use designations for comprehensive plan amendments and zoning applications (zoning districts shall be spelled out, not abbreviated, and applicable densities shall be included with land use designations); and
- 3.4. a phone number to contact the Department for additional information.

(b) Posting of Notice

Posting of property shall comply with the requirements listed below.

1. **Responsibility for Posting**
Signs shall be posted by the applicant.
2. **Form of Required Signs**
Notice shall be posted on weather resistant signs in a form established by the Department.

(c) Timing of Posted Notice

For any application requiring posted notice, signs shall be posted no later than 48 hours after the application has been accepted by the Department.

(d) Location of Signs

1. **Street Frontage**
Signs shall be placed along each street, at maximum intervals of 400 feet and set back a maximum of 5 feet from the property line, so that the signs are visible from the street.
2. **Lack of Street Frontage**
If the land does not have frontage on a street, at least one sign shall be placed on the property at the access point and additional signs shall be placed on the nearest public right-of-way with an indication of the location of the subject property.
3. **Installation**
Signs shall be posted in a professional manner, able to withstand normal weather events.

(e) Affidavit

A notarized affidavit shall be submitted to the Department within 72 hours after the posting, certifying that the signs were posted in compliance with the standards of this Section. The Director may require submittal of photographs of all signs as part of the affidavit.

(f) Maintenance

The applicant shall ensure that the signs are maintained on the land until completion of the final action on the application.

(g) Removal

The applicant shall remove the sign within 10 days after final action on the application.

DRAFT

Article 5 Neighborhood Workshops

402.17 Neighborhood Workshop

(a) Purpose

The purpose of a neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with development applications, and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the applicant to resolve any concerns at an early stage of the process. A neighborhood workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making. If an applicant fails to hold a required neighborhood meeting, the Department shall not accept that development application for review.

(b) Public Notice

Public notice of a neighborhood workshop shall be provided as indicated below.

1. Notice to Director

An applicant holding a neighborhood workshop shall coordinate with the Director prior to scheduling the workshop.

2. Notice Required

a. The applicant shall provide notification by mail according to Article 4, Notice of Hearings, of this Chapter. The Director shall provide a mailing list to the applicant. The applicant shall mail these notices with proper postage a minimum of 15 days before the workshop.

b. The applicant shall publish notice of the workshop according to Article 4, Notice of Hearings, of this Chapter, in a newspaper of general circulation a minimum of 10 days before the workshop. The advertisement shall be a minimum of two columns wide and four inches long. The ad shall be titled "Public Notice," with a description of the request, a location map and contact information.

3. Postponed Workshops

New public notice consistent with Section above shall be provided for any rescheduled workshop.

402.18 General Requirements

(a) Workshop Time and Location

The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.

(b) Workshop Summary

The applicant shall submit to the Department, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a

copy of the workshop advertisement and a copy of the mailed notices sent to property owners.

(c) Workshop Elements

At the workshop, the applicant shall present the following, as applicable:

1. A general concept plan for the use of all included lands. Such plans shall indicate the general location of residential areas (including density and unit types), open space, active or resource-based recreation areas, natural areas (including wetlands and flood plains), and non-residential areas (including maximum square footage and maximum height).
2. A plan of vehicular, bicycle, and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks and access points to the external and internal thoroughfare network.
3. Drawings indicating the conceptual architectural theme or appearance and representative building types.

Article 6 Time Limitations for Development Orders

402.19 Development Orders Expire

Any development order, permit or other approval, other than a rezoning, shall expire in accordance with the terms of this ULDC .

402.20 Extension of Time Limit

An applicant may apply for an extension of a time limit, subject to the requirements of this Section.

(a) Deadline for Application

An application for an extension of a time limit shall be filed a minimum of 60 days prior to the expiration of the time limit.

(b) Additional Application Requirements

1. Concurrency

Unless concurrency approval is vested, an application shall demonstrate compliance with the concurrency management system as established in Chapter 407, Article 12 of this ULDC.

2. Demonstration of Good Faith Efforts

An application shall include a demonstration of good faith efforts to comply with applicable time limits, by including at least one of the following:

- a. all efforts to design a project, including engineering, architectural and similar plans;
- b. the number and type of development permits that have been applied for, including all relevant federal, state, County or related permits;
- c. the number and timeliness of any plats that have been recorded;
- d. the number and timeliness of any prior phases that have been developed or implemented;
- e. the completion or status of site development improvements;
- f. any granting of rights-of-way, easements or similar public dedications;
- g. compliance with applicable conditions of development approval;
- h. execution of agreements for water or sewer services; and
- i. such other information as may be required by the Director.

(c) Review of Applications

The application for extension shall be deemed an amendment to the original approval and shall be subject to review at a public hearing by the body that granted the order, permit or approval.

(d) Consistency

The application shall be consistent with the current Comprehensive Plan, ULDC, and other County requirements.

(e) Permit Extensions Granted by Act of Legislature

1. Any permittee of a building permit or development permit with an expiration date of September 1, 2008 through January 1, 2012, may apply for a two-year extension of building permit or development permit expiration date,

implementing Senate Bill 1752 (2010), on the application form(s) provided by the Growth Management Department. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida (SB360, 2009). However, building permits and development permits issued after the effective date of SB 1752, May 28, 2010, are not eligible for the extension. In order to be processed, a completed application must be received by the Growth Management Department on or before 5 p.m. on December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

2. For purposes of this subsection, the following terms are defined:

- a. "Building Permit" means any permit issued by the building official, as provided for in the current edition of the Florida Building Code as adopted by Florida Law, authorizing performance of construction or alteration of a building or structure. In addition, the term includes any site construction, electrical, gas, mechanical and plumbing permits issued for a project that has a current valid building permit for a building or structure, but not for a project without a current valid permit for a building or structure.
- b. "Development Permit" includes final plat, planned development zoning resolution, special exception, variance, special use permit, final development plan, preliminary and final certificate of level of service compliance, construction permit, right-of-use or utility permit, tree removal permit, and driveway permit.
- c. "Permittee" means the natural person or legal entity in whose name the development permit or building permit was issued, or his/her/its legally documented heirs, transferees, successors or assigns, including but not limited to successors by virtue of foreclosure or bankruptcy.

3. Upon submission of a completed application and payment of the administrative fee, the Growth Management Department Director, or designee, shall process the application and send a written acknowledgement to the permittee. In the event the permittee is not the same person/entity as shown on the face of the development permit or building permit, the permittee shall provide all legal documentation necessary for the Growth Management Department Director, or designee, to verify that the permittee is eligible to apply for the extension. The written acknowledgement shall state whether the application for a two-year extension of building permit or development permit expiration date is approved or denied and, if denied, shall state the grounds for denial. Grounds for denial shall include, but not be limited to, submittal of incomplete application or failure to pay the prescribed administrative fee; failure to adhere to the requirements of this ordinance or SB 1752; the building permit or development permit is determined to be in significant noncompliance with the conditions of the building permit or development permit, as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing body, prior to the date of the application for

- extension; or that granting an extension to the building permit or development permit would delay or prevent compliance with a court order.
4. The Growth Management Director, or designee, is authorized to promulgate forms for requests for building permit extensions and development permit extensions under this ordinance pursuant to SB 1752; accept and process requests for extensions properly made in accordance with this ordinance; and execute the appropriate documents to implement the extension upon written request made in accordance with this ordinance.
 5. A building permit or development permit extended under this ordinance shall continue to be governed by the laws in effect at the time the building permit or development permit was issued, except when it can be demonstrated that the laws in effect at the time the building permit or development permit was issued would create an immediate threat to the public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any modification does not extend the time limit beyond 2 additional years.
 6. The permittee of an extended building permit or development permit shall throughout the term of the extension maintain and secure the property in a safe and sanitary condition in compliance with all applicable laws and ordinances.
 7. The permittee of an extended building permit or development permit shall, throughout the term of the extension, have a continuing obligation to notify the Growth Management Department of any change in status of permittee as it relates to the extension such as, but not limited to, change of entity name, transfer of property, death or foreclosure.
 8. If the permittee elects to utilize the permit extension provisions of SB 1752 and this Ordinance, such extension shall be the exclusive extension available to the permittee and shall operate in lieu of, and not in addition to, any other extension that may be available under the terms and conditions of the development permit, building permit or the Unified Land Development Code.
 9. In accordance with Section 73 of Chapter 2011-139 (House Bill 7207), any permit or any other authorization that was extended under Section 14 of Chapter 2009-96, Laws of Florida (Senate Bill 360), as reauthorized by Section 47 of Chapter 2010-147, Laws of Florida (Senate Bill 1752), is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under Section 14 of Chapter 2009-96, Laws of Florida, as reauthorized by Section 47 of Chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years pursuant to Section 14 of Chapter 2009-96, Laws of Florida, as reauthorized by Section 47 of Chapter 2010-147, Laws of Florida, and by Section 46 of Chapter 2010-147, Laws of Florida, cannot be further extended under this provision. In order to be processed, a completed application must be received by the Growth Management Department on or before 5 p.m. on December 31, 2011, identifying the specific authorization for which the

holder intends to use the extension and the anticipated timeframe for acting on the authorization.

DRAFT

Article 7 Comprehensive Plan Amendment

402.21 Amendments Generally

The provisions of this Article shall govern all amendments to the Alachua County Comprehensive Plan.

402.22 Types of Comprehensive Plan Amendments

For the purposes of this ULDC, there shall be two types of Comprehensive Plan amendments: small scale plan amendments and large scale plan amendments.

402.23 Pre-application Conference

Prior to the submittal of an application for a Comprehensive Plan amendment, an applicant other than the County shall request and participate in a pre-application conference with the Department.

402.24 Neighborhood Workshop

An applicant shall hold a neighborhood workshop prior to submittal of an application for an amendment to the Future Land Use Map, in accordance with Article 5, Neighborhood Workshops, of this Chapter.

402.25 Public Notice Requirements

As indicated in Table 402.12.1 mailed, published and posted notice shall be required before the first public hearing on any application for a Comprehensive Plan amendment affecting a particular mapped area. Applications for an amendment to the text of the Comprehensive Plan require published notice only. All notice shall be prepared according to the procedures in Article 4, Notice of Hearings, of this Chapter.

402.26 Processing of Applications

Applications for all Comprehensive Plan amendments shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

(a) Large-Scale Amendments

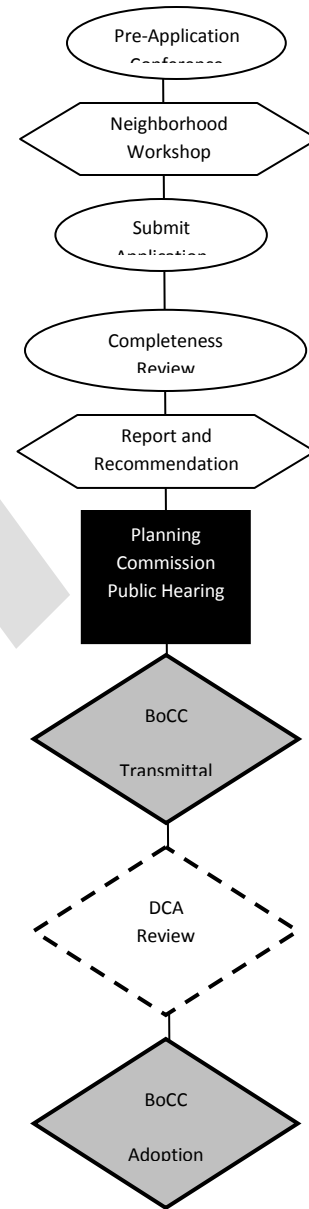
Applications for Amendments to the Comprehensive Plan that do not qualify as Small Scale Amendments under ~~Chapter 163, Section 163.3187(4), Florida Statutes, applications may be made and shall be processed in cycles occurring no more than two times during any calendar year, unless an application is covered by exception in the Florida Statutes.~~

(b) Small Scale Amendments

Applications for Small Scalesmall-scale map amendments, as defined in Chapter 163, Section 163.3187(e), Florida Statutes, may be received by the Department at any time during the year without regard to the twice a year limit stated above.

402.27 Standards for Review

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Chapter 163 Florida Statutes.



402.28 Large-Scale Comprehensive Plan Amendment Cycles

(a) Advertising

The Department shall ~~provide notice~~ advertise in a newspaper of general circulation the deadline for submittal of applications for Comprehensive Plan amendments for plan amendment cycles to be set by the Department. The ~~notice~~ advertisements shall ~~be provided~~ appear a minimum of six weeks in advance of the deadline for filing an application.

(b) Receipt of Applications after Deadline

Proposed amendments received after the ~~noticed~~ advertised deadline shall be considered for the next cycle. Time extensions to the ~~noticed~~ advertised deadline shall not be granted.

(c) Modification of Proposed Comprehensive Plan Amendments

1. Should the applicant request a modification to the proposed amendment after the ~~advertised~~ deadline for the Comprehensive Plan amendment cycle, the amendment ~~may~~ shall be removed from the current plan amendment cycle.
2. Once received by the Department and deemed complete, the modified amendment shall be rescheduled for the next plan amendment cycle.

402.29 Determination of Completeness

After submittal of a proposed plan amendment, the Director shall determine if information presented is complete. An application shall be deemed complete when it contains all required information and documents.

(a) Written Notification

Written notification of completeness determination shall be issued to the applicant within 15 working days after the submittal deadline.

(b) Additional Information

1. Response by Applicant

Should additional information be requested in the completeness determination, the applicant shall have ten working days from the receipt of the certificate or the date of the submittal deadline, whichever is longer, to provide the requested information.

2. Failure to Respond

Failure to provide the requested information within the allotted time period shall preclude review of the proposed plan amendment for the current plan amendment cycle unless the application is exempt from the twice a year limit as provided in Florida Statutes.

402.30 Review of Applications

(a) Local Planning Agency Review

The Planning Commission shall serve as the Local Planning Agency. The Local Planning Agency (LPA) shall review and consider all applications for amendments to the Comprehensive Plan in accordance with Chapter 163 Florida Statutes.

(b) Local Planning Agency Recommendation

The Local Planning Agency shall submit a recommendation, including the proposals' consistency with the Comprehensive Plan, to the Board of County Commissioners regarding each application, and may recommend that an application be:

1. approved;
2. approved subject to modifications; or
3. denied.

(c) Board of County Commissioners Review

1. Required Public Hearings for Large-Scale Amendments

~~The~~Unless otherwise provided by state law, the Board of County Commissioners shall hold two public hearings, as provided below, to consider all large-scale Comprehensive Plan amendments.

a. Transmittal Public Hearing

A public hearing shall be held prior to transmittal of all proposed Comprehensive Plan amendments to the state land planning agency~~Department of Community Affairs~~ for review.

- i. The public hearing shall be held following receipt of recommendations from the Local Planning Agency.
- ii. At the public hearing, the Board of County Commissioners may:
 - (a) approve an application for transmittal;
 - (b) approve an application for transmittal subject to modification; or
 - (c) deny transmittal of an application.

b. Adoption Public Hearing for Large-Scale Amendments

A public hearing shall be held within 180 days after receipt from the~~Department of receipt of agency~~Community Affairs ~~an objections, recommendations and comments report on each proposed~~ Comprehensive Plan amendment.

- ~~i.~~ The public hearing shall be held ~~within 60 days after receipt of the report from the Department of Community Affairs or after notification that no report will be issued, or within 120 days pursuant to s.163.3191, Florida Statutes.~~
- ~~ii.~~ At the public hearing, the Board of County Commissioners may take action to:
 - ~~(a)~~i. approve an amendment;
 - ~~(b)~~ii. approve an amendment subject to modification; or
 - ~~(c)~~iii. deny an amendment.

2. Adoption Public Hearing for Small-Scale Amendments

~~a.~~ An adoption public hearing shall be held following receipt of recommendations from the Local Planning Agency. No transmittal hearing is required for small-scale amendments. At the public hearing, the Board of County Commissioners may:

~~b.~~a. approve an amendment;

~~c.~~b. approve an amendment subject to modification; or

~~d.~~c. deny an amendment.

DRAFT

Article 8 Unified Land Development Code Text Amendments

402.31 Applicability

An application to amend the text of this ULDC shall comply with the requirements of this Article.

402.32 Initiation of a Text Amendment

A text amendment may be proposed by:

- (a) the Board of County Commissioners;
- (b) any department or other agency of the County; or
- (c) any resident or landowner in the County.

402.33 Application Requirements

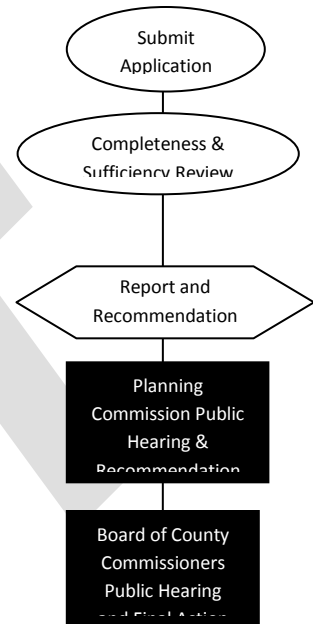
An application for a text amendment shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.34 Required Notice

- (a) Published notice in accordance with the procedures outlined in Article 4, Notice of Hearings, of this Chapter is required prior to a public hearing on a text amendment.
- (b) In the case of any proposed text amendment which would have the effect of changing the actual list of permitted, limited, special or prohibited uses within a zoning district, the notice of the required hearings shall conform with Chapter 125, Section 125.66(4)(b), Florida Statutes, as well as with such additional requirements as may appear in Article 4, Notice of Hearings, of this Chapter.

402.35 Planning Commission Recommendation

- (a) The Planning Commission shall consider a proposed text amendment at the request of the Board of County Commissioners.
- (b) The Planning Commission shall review such proposed amendment, based upon the criteria listed below:
 - 1. the need and justification for the change;
 - 2. the consistency of the proposed amendment with the Comprehensive Plan; and
 - 3. whether the proposed change shall further the purposes of this ULDC and other County codes, regulations and actions designed to implement the Comprehensive Plan.
- (c) The Planning Commission shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Board of County Commissioners, indicating if the proposed amendment should be:
 - 1. approved as proposed;
 - 2. approved with amendments proposed by the Planning Commission; or



3. denied.

402.36 Hearing(s) by Board of County Commissioners

The decision to process a text amendment is within the sole discretion of the Board of County Commissioners, according to the following procedures.

(a) For Any Text Amendment

For any proposed text amendment, the Board of County Commissioners, sitting as the LDRC (Land Development Regulation Commission), shall hold a minimum of one public hearing before taking action on the amendment.

(b) For Text Amendment Affecting List of Uses

For any text amendment which would have the effect of changing the actual list of permitted, limited, special or prohibited uses within a zoning district, the Board shall hold a minimum of two hearings, conforming with the requirements of Chapter 125, Section 125.66(4)(b), Florida Statutes.

402.37 Action by Board of County Commissioners

Following the public hearings, the Board of County Commissioners shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes or deny the proposed amendment.

Article 9 Development Agreement

402.38 Applicability

The County has authority to enter Development Agreements pursuant to Chapter 163, Sections 163.3220 through 163.3243, Florida Statutes, as well as other agreements concerning development.

DRAFT

Article 10 Development Plan Review

402.39 Applicability

This Article shall apply to all development, development activity or other use requiring development plan review within the unincorporated area of Alachua County. No development shall be undertaken without prior approval and issuance of a final development order.

402.40 Pre-application Conference

Prior to the submittal of an application for preliminary development plan approval, an applicant is required to attend a pre-application conference with the Development Review Departments. Staff shall provide the applicant with information about the specific elements required for preliminary development plan application. Staff may also provide initial comments about specific items that must be addressed prior to submittal of the application, such as staff site visits, neighborhood workshops, etc. Specific requirements for the Pre-application Conference shall be determined by the Director of Growth Management.

402.41 Neighborhood Workshop

Prior to the submittal of a preliminary development plan application that is required to be considered by the Board of County Commissioners, an applicant shall hold an advertised neighborhood workshop in accordance with Article 5, Neighborhood Workshops, of this Chapter. A Neighborhood Workshop held as a requirement of a land use or zoning application may satisfy this requirement if, as determined by the Director, sufficient detail was presented at that time. Materials documenting the Neighborhood Workshop shall be submitted with an application for Preliminary Development Plan.

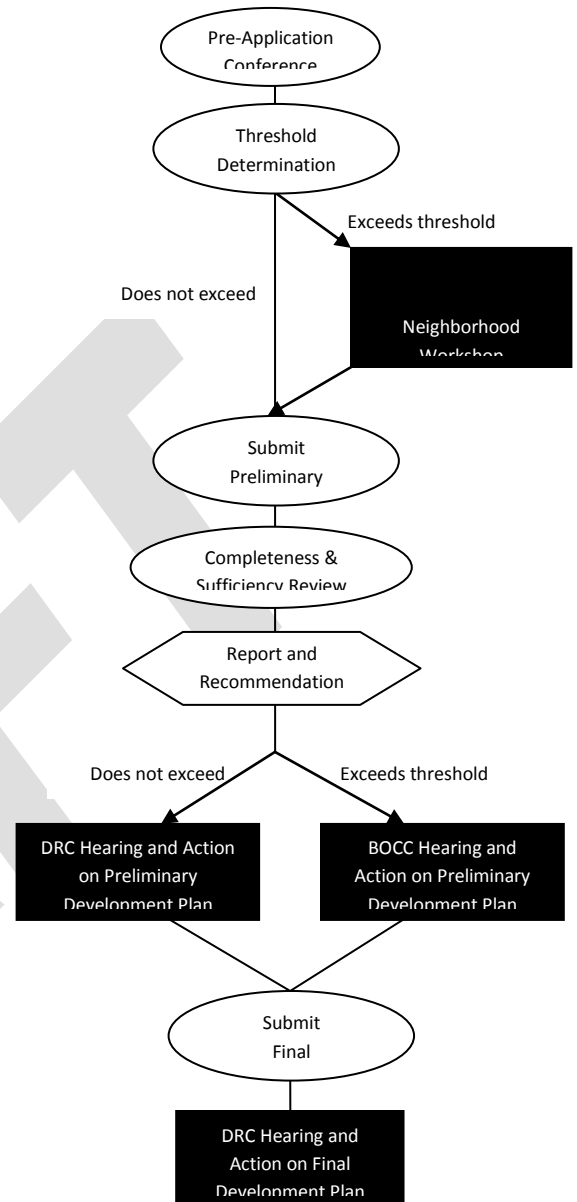
402.42 Public Notice Required

Posted notice in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter is required for all development plans to be heard by the Development Review Committee. Mailed and posted notice, in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter, is required for all development plans required to be considered by the Board of County Commissioners.

402.43 Development Plan Review Steps

(a) Preliminary Development Plan

The purpose of this stage is for the Development Review Committee and the applicant to determine the specific characteristics of a site that will influence its design. The Preliminary Development Plan shall detail regulated natural resources that exist on site, approximate access points, and location of utilities that will serve



the site. Minimum Open Space areas and tree protection defined with the Preliminary Development Plan shall be utilized in the Final Development Plan.

1. The preliminary development plan shall be considered at a public hearing. When a preliminary development plan proposes development that meets or exceeds the thresholds listed in Table 402.44.1, the Board of County Commissioners shall hold the public hearing. The Development Review Committee shall hold the public hearing for all other preliminary development plans. The decision from either body may be for approval, approval with conditions or denial.
2. No preliminary development plan shall be approved unless a determination can be made that all required public facilities and/or Levels of Service will be adequate to support and service the area of the development, consistent with Chapter 407, Article 12. The applicant shall submit sufficient information and data on the development to demonstrate the necessary public services are adequate to address the impact created by the development and to demonstrate that the proposed development is consistent with the Comprehensive Plan.
3. An application for preliminary development plan review shall be submitted in accordance with Chapter 402, Article 2, Common Development Application Elements, of this Chapter. Detailed submittal requirements shall be provided in a form acceptable to the Director.

(b) Initial Design Plan

The Initial Design Plan stage is an administrative review opportunity for an applicant to ensure that initial stages of engineering design for a site are consistent with site design standards of the Unified Land Development Code. The Initial Design Plan is a non-binding document intended to inform the County about the specific location of improvements on a site and to receive comments. Initial Design Plan review is required for all developments meeting the thresholds established in §402.44, all developments within Activity Centers or Special Area Plans, and all sites containing Strategic Ecosystems. Initial Design Plan review is optional for all other developments.

(c) Final Development Plan

The purpose of this stage is for the Developer to present the fully engineered final development plan to the Development Review Committee for review. The Final Development Plan shall be consistent with the approved Preliminary Development Plan, other applicable provisions of the Unified Land Development Code, and the Comprehensive Plan. The Final Development Plan shall contain all items necessary to demonstrate compliance with the Unified Land Development Code and Comprehensive Plan.

1. The final development plan shall be considered by the Development Review Committee at a public hearing. The decision may be for approval, approval with conditions or denial. Conditions of approval shall be such that no changes that affect requirements of other portions of the Unified Land Development Code are necessary to remedy a solution.

2. No final development plan shall be approved unless a determination can be made that all required public facilities and/or Levels of Service will be adequate to support and service the area of the development. This determination shall be made consistent with Chapter 407 Article 12.
3. An application for final development plan review shall be submitted in accordance with Chapter 402, Article 2, Common Development Application Elements, of this Chapter. Detailed submittal requirements shall be provided in a form acceptable to the Director.

402.44 Thresholds for Development Review

Any proposed development, except those that are part of an approved Planned Development, Special Exception, or Special Use Permit, that meets or exceeds the thresholds established in Table 402.44.1 below shall require preliminary development plan consideration and action by the Board of County Commissioners. In addition, any preliminary development plans submitted for review concurrently with a zoning application for a Planned Development, Special Use Permit, or Special Exception shall require Board of County Commissioners consideration and action, regardless of whether they are above the thresholds in Table 402.44.1.

**Table 402.44.1
Development Thresholds**

Development Type	Threshold
Residential, Single Family	100 dwelling units
Residential, Multiple Family	150 dwelling units
Commercial/Office/ <u>Institutional/Place of Worship/ Civic Organizations</u>	50,000 sf of GFA
Industrial	100,000 sf of GFA
Mixed Use: Residential	80 dwelling units
Mixed Use: Commercial/Office	40,000 sf of GFA
Mixed Use: Industrial	80,000 sf of GFA
All Development Types	Extension of water-sewer service beyond the Urban Cluster Line
All Development Types	Adverse impact to wetlands
All Development Types	Proposed developed area of parcel contains Strategic Ecosystem

GFA = gross floor area

402.45 (RESERVED)

402.46 Development Plans to be Platted

Plat requirements are detailed in Article 12, Platting, of this Chapter. The proposed plat may be submitted with the final development plan or after the final development plan has been approved.

402.47 Time Limitation for Expiration of Development Plans

In accordance with Article 6 of this Chapter, Development Plans shall expire. Expirations shall be governed by the following provisions.

(a) Preliminary Development Plan

- ~~4.~~ An approved preliminary development plan or phase of a preliminary development plan shall expire unless a complete application for final
1. development plan approval has been accepted by the Department within 12 months of the date of preliminary development plan approval.
 2. The reviewing body shall have the authority to approve a preliminary development plan for a Planned Development (PD), a Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), or an affordable housing development consistent with the time frames established in the phasing schedule of the approved PD, TND, TOD, or affordable housing project.

(b) Final Development Plan

An approved final development plan shall expire unless a complete application for a construction, building or other required permit has been accepted by the appropriate reviewing department within 12 months of the date of final approval.

(c) Extension of Expiration of Development Order

1. One extension, of up to one year, may be granted administratively contingent upon a finding by the Director of Growth Management that the approved final development plan or plat is consistent with all elements of the Comprehensive Plan and all of the ULDC in effect at the time of the application for the extension. Any such extension will be issued only if no imminent or existing public facility deficiencies exist at the time of the application for extension. A request for administrative extension of expiration shall be submitted in writing to the Department no less than 60 days prior to the expiration of the final development plan or plat.
2. All other extensions of expiration of development plans shall be governed as set forth in Article 6 of this Chapter.

~~(d) Senate Bill 1752 Permit Extensions~~

- ~~1.3.~~ Any permittee of a building permit or development permit with an expiration date of September 1, 2008 through January 1, 2012, may apply for a two year extension of building permit or development permit expiration date, implementing Senate Bill 1752 (2010), on the application form(s) provided by the Growth Management Department. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida (SB360, 2009). However, building permits and development permits issued after the effective date of SB 1752, May 28, 2010, are not eligible for the extension. In order to be processed, a completed application must be received by the Growth Management Department on or before 5 p.m. on December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.
- ~~2.4.~~ For purposes of this subsection, the following terms are defined:
 - a. *"Building Permit"* means any permit issued by the building official, as provided for in the current edition of the Florida Building Code as adopted by Florida Law, authorizing performance of construction or

~~alteration of a building or structure. In addition, the term includes any site construction, electrical, gas, mechanical and plumbing permits issued for a project that has a current valid building permit for a building or structure, but not for a project without a current valid permit for a building or structure.~~

~~b. "Development Permit" includes final plat, planned development zoning resolution, special exception, variance, special use permit, final development plan, preliminary and final certificate of level of service compliance, construction permit, right of use or utility permit, tree removal permit, and driveway permit.~~

~~c. "Permittee" means the natural person or legal entity in whose name the development permit or building permit was issued, or his/her/its legally documented heirs, transferees, successors or assigns, including but not limited to successors by virtue of foreclosure or bankruptcy.~~

~~3.5. Upon submission of a completed application and payment of the administrative fee, the Growth Management Department Director, or designee, shall process the application and send a written acknowledgement to the permittee. In the event the permittee is not the same person/entity as shown on the face of the development permit or building permit, the permittee shall provide all legal documentation necessary for the Growth Management Department Director, or designee, to verify that the permittee is eligible to apply for the extension. The written acknowledgement shall state whether the application for a two-year extension of building permit or development permit expiration date is approved or denied and, if denied, shall state the grounds for denial. Grounds for denial shall include, but not be limited to, submittal of incomplete application or failure to pay the prescribed administrative fee; failure to adhere to the requirements of this ordinance or SB 1752; the building permit or development permit is determined to be in significant noncompliance with the conditions of the building permit or development permit, as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing body, prior to the date of the application for extension; or that granting an extension to the building permit or development permit would delay or prevent compliance with a court order.~~

~~4.6. The Growth Management Director, or designee, is authorized to promulgate forms for requests for building permit extensions and development permit extensions under this ordinance pursuant to SB 1752; accept and process requests for extensions properly made in accordance with this ordinance; and execute the appropriate documents to implement the extension upon written request made in accordance with this ordinance.~~

~~5.7. A building permit or development permit extended under this ordinance shall continue to be governed by the laws in effect at the time the building permit or development permit was issued, except when it can be demonstrated that the laws in effect at the time the building permit or development permit was issued would create an immediate threat to the public safety or health. This provision applies to any modification of the plans, terms, and conditions of~~

~~the permit which lessens the environmental impact, except that any modification does not extend the time limit beyond 2 additional years.~~

- ~~6.8. The permittee of an extended building permit or development permit shall throughout the term of the extension maintain and secure the property in a safe and sanitary condition in compliance with all applicable laws and ordinances.~~
- ~~7.9. The permittee of an extended building permit or development permit shall, throughout the term of the extension, have a continuing obligation to notify the Growth Management Department of any change in status of permittee as it relates to the extension such as, but not limited to, change of entity name, transfer of property, death or foreclosure.~~
- ~~8.10. If the permittee elects to utilize the permit extension provisions of SB 1752 and this Ordinance, such extension shall be the exclusive extension available to the permittee and shall operate in lieu of, and not in addition to, any other extension that may be available under the terms and conditions of the development permit, building permit or the Unified Land Development Code.~~

402.48 Activities Requiring Administrative Development Plan Approval

Certain development permits or activities shall not require a development plan approval by the Development Review Committee or Board of County Commissioners. Applicants for these permits or activities may apply to the specific department(s) having authority to grant an administrative development approval. Application types requiring only an administrative approval are listed in §401.20(b),(c),(d).

Article 11 Interpretation of Regulations

402.49 Director Authorized to Interpret Code

Unless otherwise provided herein, the Director of Growth Management is authorized to interpret all provisions of this ULDC.

402.50 Formal Request for Interpretation

The Director shall render interpretations of this ULDC pursuant to this Article. Unless waived by the Director, all formal requests for an interpretation shall be submitted in writing to the Director.

402.51 Form of Response

(a) Written Response

The interpretation shall be provided in writing to the applicant.

(b) Notice to Property Owner

If the individual requesting an interpretation is not the property owner, the interpretation shall also be mailed to the property owner within seven working days after the Director issues the written response.

402.52 Official Record

The Department shall maintain an official record of all formal interpretations

Article 12 Platting

402.53 Applicability and General Provisions

(a) Applicability

Platting and subdivision of land, including final plats, re-plats, plat vacation, plat abandonment, plat revocation and plat modification or suspension, shall comply with the requirements of this Article and Section 20, Chapter 85-55, Laws of Florida, regarding vacation of plats. All proposed plats shall comply with Chapter 177, Florida Statutes, and any other applicable statutes and Chapter 407, Article 8, Subdivision Regulations, regarding the platting of land. For the purposes of this Article, the term plat or platting shall include subdivision of land, re-platting of land, and vacation or abandonment of all or a portion of an approved plat.

(b) Consistency with Comprehensive Plan

All proposed plats shall be consistent with the Comprehensive Plan and shall comply with all applicable standards and requirements of this ULDC.

(c) Consistency with Development Approval

1. Compliance with Development Approvals

Plats shall comply with all development approvals, including any conditions, restrictions or other limitations included in such approval, that are granted by the Board of County Commissioners, the Development Review Committee, the Board of Adjustment, or any other board, body, officer or County employee possessing authority to approve a development application.

2. Plat Approval Required

No development order, development permit, building permit, tree clearing permit or construction permit or other similar permit may be issued until a plat has been approved by the Board of County Commissioners. No building permit may be issued for any newly created lot until the plat is recorded with the Clerk of the Circuit Court of Alachua County.

402.54 Application Requirements

An application for a plat approval shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.55 Public Notice Requirements

Published notice in accordance with §402.15 and posted notice in accordance with §402.16 shall be required before the public hearing on any application for plat approval.

402.56 Platting Required

Platting is required for development of detached and attached single family lots or the reconfiguration of previously recorded platted lots.

402.57 Platting Optional

Platting is optional for new multifamily and nonresidential developments. Multifamily and nonresidential developments previously recorded as platted lots shall be required to be re-platted when such lots are reconfigured.

402.58 Plat Review by Development Review Committee

(a) Pre-application Review

1. The purpose of this stage is to provide an opportunity for an informal review by the County Staff of a proposed plat and to receive their advice and guidance prior to proceeding with engineering plans and plat preparation.
2. At this stage, if streets or central water and sewer improvements are not planned, the applicant may request to proceed with final plat review.

(b) Preliminary Plat Review

The purpose of this stage is for the Development Review Committee to have an opportunity to review proposed plats that do not require an associated preliminary development plan.

(c) Final Plat Review

1. The purpose of this stage is for submittal of the final plat to the Development Review Committee for review. At this stage, all deficiencies should be addressed and the proposed plat shall be in final form.
2. Once the Development Review Committee determines a proposed plat to be complete, they shall prepare a recommendation for action by the Board of County Commissioners.

402.59 Action by Board of County Commissioners

Following the public hearings, the Board of County Commissioners has the authority to approve, approve with changes, or deny the proposed plat.

402.60 Filing of a Plat approved by the Board of County Commissioners

- (a)** Once the plat has been approved by the Board of County Commissioners the plat document must be submitted for signature, along with all necessary supporting documentation including surety for 110 percent of the contract amount; itemized construction contract for the paving, grading and drainage; off-site easements and rights-of-way; supporting survey documentation; E-911 addresses assigned by Alachua County Enhanced E-911 Office and a title opinion dated within 30 days of the date of submittal to obtain the signature of County officials.
- (b)** The developer shall file the plat, bearing the signatures of all applicable County representatives, for recording with the Clerk of the Circuit Court of Alachua County no later than one year from the date of final plat approval by the County Commission. If a plat is not recorded by the developer within the specified time frame, such plat approval shall be deemed expired and the plat must be resubmitted for final plat approval by the Board of County Commissioners. The developer shall be responsible for all recording costs.

402.61 Expiration

Approval of a plat shall expire without further action of the Board of County Commissioners unless the plat has been recorded within one year of the date of Board approval of the plat. In order to avoid expiration, all plat documents outlined in §402.60(a) above must be complete and accepted by the County to obtain the signatures of County officials at least 30 days prior to the one-year expiration date.

402.62 Appeal

A decision on a plat may be appealed to a Hearing Officer in accordance with this ULDC, regardless of whether improvements have been installed or the plat recorded. The time limit for filing an appeal shall run from the date of approval of the plat and not be affected by the recording date or other subsequent actions.

402.63 Plat Vacations

Any application to vacate all or part of a plat shall comply with the requirements of this Section.

(a) Application Requirements

An application for a plat vacation shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter. An applicant must also provide the information listed below:

1. Proof of fee simple title to the whole or that part of the tract covered by the plat sought to be vacated.
2. A certificate, acceptable to the Director, showing that all state and county taxes have been paid.
3. If a portion of a platted subdivision lies within the corporate limits of any incorporated municipality within Alachua County, the applicant shall furnish a certified copy of the resolution previously approved by the municipal governing body that indicates the approval of the proposed plat vacation, or part thereof.

(b) Review

1. An application shall be reviewed by the County Staff.
2. Once County Staff determines an application for plat vacation to be complete, it shall prepare a recommendation for action by the Board of County Commissioners.

402.64 Action by Board of County Commissioners**(a) Approval of Vacation of Plat**

If the Board determines at a Public Hearing that vacating the plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or adjacent properties, it may adopt the appropriate resolution vacating all or a portion of the plat.

(b) Exception for State Roads

Any plat vacation approved by the Board of County Commissioners shall not apply to any state roads lying within said plat.

402.65 County-Initiated Plat Vacations**(a) Vacation of an Existing Plat**

The Board of County Commissioners may initiate a proceeding to order the vacation and reversion to acreage of all or part of a subdivision within its jurisdiction if capital improvements have not been properly installed, including the vacation of streets or other parcels of land dedicated for public purposes.

(b) Revocation, Modification or Suspension of an Existing Plat

1. Plat Revocation, Modification or Suspension

The Board of County Commissioners may initiate a proceeding to order a revocation, modification, or suspension of an existing plat, when:

- a. the plat was legally recorded not less than 20 years before the date of such action; and
- b. not more than 10 percent of the total subdivision area to be vacated has been sold as lots.

2. Basis for Revocation, Modification or Suspension

The Board of County Commissioners action shall be based upon findings that vacation and reversion to acreage will:

- a. conform to and be consistent with the Comprehensive Plan; and
- b. promote the public health, safety, and welfare .

(c) Action to Vacate, Revoke, Modify or Suspend a Plat

1. Board of County Commissioners Approval Required

Any action to vacate, revoke, modify or suspend an approved plat is subject to approval by the Board of County Commissioners at a public hearing for which public notice has been provided.

2. Public Notice

Mailed and published public notice of proposed action to vacate, revoke, modify or suspend an approved plat shall comply with the requirements of Article 4, Notice of Hearings, of this Chapter.

3. Adoption of Resolution Required

In the event a vacation, revocation, modification or suspension is ordered, a resolution shall be adopted, setting forth the Board's findings and action.

4. Publishing of Resolution

The adopted resolution shall be published one time in a newspaper of general circulation, within 30 days following the adoption.

5. Execution of Deed

- a. The Chair of the Board of County Commissioners is hereby authorized to execute a deed, approved by the County Attorney, deeding the vacated plat, or part thereof, to the appropriate parties.
- b. The adopted resolution and County Deed shall be recorded in the public records along with proof of publication of the notice of public hearing, and the proof of publication of the adopted resolution, and a transfer of interest form.
- c. The County will pay for the documentary stamps and any other costs associated with the recording.

402.66 Appeal

Appeal of a decision to vacate, revoke, modify or suspend an existing plat shall be by writ of certiorari filed in the Circuit Court for Alachua County within 30 days of the date of publication of the adopted resolution.

402.67 Prohibited Action

Action by the Board of County Commissioners to vacate, revoke, modify or suspend an existing plat shall not have the result of depriving an owner of any parcel of land in the subdivision or adjacent property owner of reasonable access to such parcel nor of reasonable access to existing facilities to which such parcel has theretofore had access.

402.68 Effect of Vacating Plat and Recording of Resolution

Every resolution of the Board of County Commissioners vacating a plat shall have the effect of vacating all streets and alleys within the portion of the plat vacated that have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of the adopted resolution has been recorded in the public records.

DRAFT

Article 13 Rezoning

402.69 Applicability

The provisions of this Article shall apply to all amendments to the Official Zoning Map of Alachua County. Additional requirements for rezoning to a Planned Development district are found in Article 14 of this Chapter.

402.70 Initiation of Rezoning

An application for rezoning may be initiated by either of the following:

- (a) the Board of County Commissioners; or
- (b) any other person or agent with authority to file an application, as provided in §402.06, Authority to File Applications.

402.71 Pre-application Conference

Prior to the submittal of an application for a rezoning, the applicant shall request and participate in a pre-application conference with the Department.

402.72 Neighborhood Workshop

A neighborhood workshop shall be held in accordance with Article 5, Neighborhood Workshops, of this Chapter. All required neighborhood workshops shall be held prior to the submittal of a rezoning application. The following types of rezoning applications are required to hold a neighborhood workshop:

- (a) all rezoning applications to the Planned Development zoning district,
- (b) all rezoning applications to non-residential zoning districts;
- (c) all rezoning applications to residential zoning districts that result in an increase of more than two potential dwelling units on the property.

402.73 Required Public Notice

Mailed notice, published notice and posted notice shall be required before the first public hearing on any application for rezoning in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

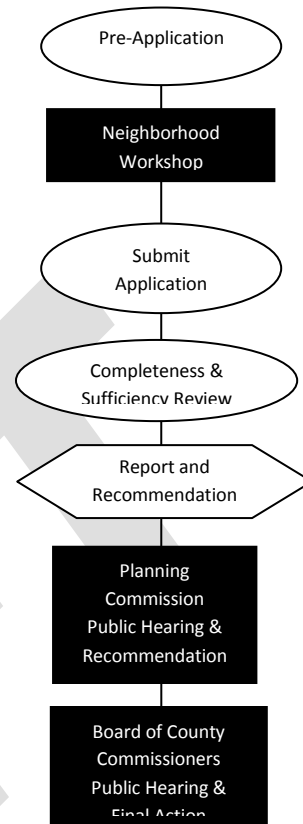
402.74 Application Requirements

An application for a rezoning shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.75 Review by the Planning Commission

(a) Consideration by Planning Commission

All rezoning applications shall be considered by the Planning Commission at a public hearing, prior to public hearing or action by the Board of County Commissioners.



(b) Standards and Criteria

The Planning Commission shall review and make a recommendation on the proposed rezoning based on the standards in §402.77.

(c) Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed rezoning should be:

1. approved;
2. approved with conditions, where conditions may be attached to the proposed rezoning;
3. approved a rezoning to a zoning district other than the district requested by the applicant, that is consistent with the land use designation; or
4. denied.

402.76 Action by the Board of County Commissioners**(a) Public Hearing**

The Board of County Commissioners shall hold a minimum of one public hearing conforming with the requirements of §125.66(4)(b) to consider the proposed rezoning after receiving a recommendation from the Planning Commission.

(b) Action by Board of County Commissioners

Following the public hearing, the Board of County Commissioners may take one of the following actions:

1. approve;
2. approve with conditions, where conditions may be attached to the proposed rezoning;
3. approve to rezone to a zoning district other than the district requested by the applicant, that is consistent with the land use designation; or
4. deny.

402.77 Review Criteria and Standards for Rezoning Applications

When considering any application for rezoning, the standards and criteria listed below shall apply.

(a) Consistency

The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

(b) Compatibility

The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

(c) Development Patterns

The proposed rezoning shall result in logical and orderly development patterns.

(d) Suitability

The affected property is suitable for the uses that are permitted by the proposed zoning districts.

(e) Adequate Public Services

The proposed rezoning is consistent with the adequate public facilities requirements of Article 12, Chapter 407 of this ULDC.

(f) Access

Available ingress and egress is adequate for potential uses in the proposed zoning district.

(g) Public Health, Safety, and Welfare

The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

402.78 Limitations on Rezoning Applications

If the Board of County Commissioners denies an application for the rezoning of property, the applicant shall not resubmit an application to rezone any part or all of the same property to the same or any more intensive category for a period of 12 months from the date the initial application for rezoning is denied.

402.79 Conditions for Approval

The Board of County Commissioners may, when considering development applications that include a request for rezoning to a planned development district, a special use permit, special exception or similar types of applications, include conditions or limitations as part of the development approval.

Article 14 Rezoning, Planned Development District

402.80 Processing

Applications for a rezoning for a planned development district (PD) shall be processed in accordance with Article 13, Rezoning, of this Chapter. An application for a planned development district rezoning may be submitted concurrently with an application for a preliminary development plan.

402.81 Pre-application Conference

Prior to the submittal of an application for a rezoning for a planned development district, the applicant shall request and participate in a pre-application conference with the Department.

402.82 Neighborhood Workshop

An applicant shall hold a neighborhood workshop prior to submittal of an application for rezoning to a planned development district in accordance with Article 5, Neighborhood Workshops, of this Chapter.

402.83 Required Public Notice

Prior to a public hearing on a rezoning, published, posted and mailed notice is required in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

402.84 Application Requirements

(a) Basic Application Requirements

An application for a rezoning to planned development district rezoning shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

(b) Additional Application Requirements

In addition, the application for a planned development shall include a proposed PD zoning master plan for the property. The required elements of a PD zoning master plan shall be established by the Director. The application shall also include materials sufficient to demonstrate compliance with §403.17 Planned Development (PD) District.

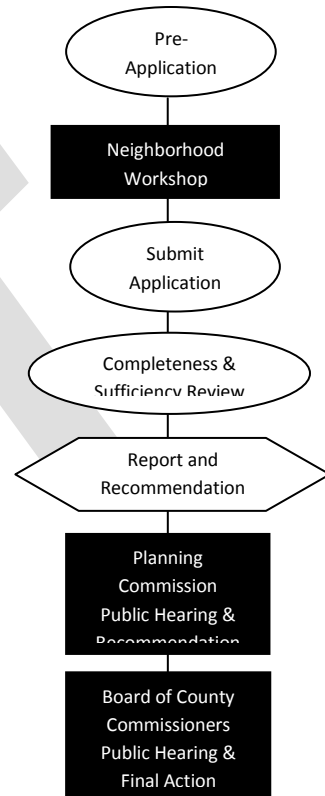
402.85 Action upon Rezoning and Zoning Master Plan Approval

Prior to submitting a preliminary development plan for an approved PD or any phase of an approved PD, the applicant shall submit six copies of the approved zoning master plan to the Department for signatures from the Development Review Departments. The zoning master plan shall contain all changes and conditions approved by the Board of County Commissioners.

402.86 Implementation of Zoning Master Plan

(a) Development Plan Required

An approved PD zoning master plan, including individual phases of such plan, shall be implemented through the by a development plan process, which shall be submitted in accordance with Article 10, Development Plan Review, of this



Chapter. A copy of the approved PD zoning master plan, signed by the Development Review Departments, shall be submitted with each application for development plan approval. Any development plan approval shall be consistent with the approved PD zoning master plan.

(b) Progress Report

With each application for development plan approval, the developer of a planned development shall submit a progress report to the review body. At a minimum, the progress report shall include the following information listed below.

1. Updated ~~Master~~ Zoning Master Plan

An updated zoning master plan for the entire development indicating the status of approvals, phasing schedule, undeveloped areas and within developed areas, the number, size, type and locations of all structures and improvements that have been installed or constructed.

2. Subsequent Developers or Owners

The names of any subsequent developers and owners of any increments, phases or portions of the planned development.

3. Failure to File or Update Progress Report

If the required progress report is not up to date or is not filed, additional development approvals shall not be granted.

402.87 Covenants, Grants, and Easements

(a) As part of the approval for any development plan, the plan shall include the substance and exact language of covenants, grants, easements or other restrictions to be imposed on the use of the land, buildings and structures pursuant to this ULDC, including proposed easements for public and private utilities.

(b) Prior to final approval of the development plan, the language of all covenants, grants, easements or other restrictions, including any required homeowners' associations and deed restrictions, shall be approved by the County Attorney.

402.88 Other Restrictions

(a) Limit on Occupancy Permits

Occupancy permits exceeding 50 percent of the total number of approved dwelling units shall not be issued unless and until the homeowners' association and all applicable and agreed-upon covenants or deed restrictions have become operational or are imposed to the satisfaction of the County Attorney.

(b) Development Plan Approval Requisite for Permits

Permits shall not be issued for any phase of a planned development, nor shall any public facility or improvement be constructed therein, until a development plan and/or plat has been approved for the planned development or phase of such development.

402.89 Revision of Planned Development District Zoning Master Plan

(a) Changes Authorized by Condition or Zoning Master Plan

Specific changes to the location and distribution of uses within the development, if specifically authorized on the approved zoning master plan or authorized in an

approved condition, shall not be considered a change to the planned development district zoning master plan.

(a)(b) Minor Amendment to Planned Development District Approval

An amendment to an existing planned development shall be considered minor where it will not cause an expansion to the existing use or additional impacts to surrounding properties, natural resources, or public infrastructure. A minor amendment to an existing planned development shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners.

(b)(c) Major Amendment to Planned Development District Approval

Except as specified herein, all changes to an approved zoning master plan not determined to be a minor amendment shall be deemed a major amendment that requires a public hearing with the Planning Commission and approval by the Board of County Commissioners. Any proposed amendment to a condition imposed by the Board of County Commissioners or any proposed amendment that alters the character or purpose of the planned development district shall be deemed a major amendment.

(c)(d) Minor Changes to Planned Development District Approval

When it can be determined that a proposed change would not affect the intent and purpose of the planned development the following may be deemed minor changes that may be approved by the Development Review Committee:

1. setbacks on single lots or up to five percent of total lots;
2. slight shifts in building orientation;
3. slight shifts in phase lines;
4. reductions in number of units up to five percent provided the minimum density required by the Comprehensive Plan is still being met;
5. for lots located on the interior of the development, changes to lot sizes or dimensions;
6. where both single family lots and multi-family lots have been approved on the interior portion of a PD, these units types may be exchangeable provided the overall gross residential density is maintained;
7. for planned developments approved prior to May 2, 2005, the DRC may grant the use of accessory dwelling units consistent with the Comprehensive Plan, on residential lots;
8. creation of active recreation in common open space areas, not to include natural areas;
9. slight changes in alignment, location, direction or length of an interior street as a result of site engineering;
10. an increase in the number of exterior access points or the relocation of exterior access points where it can be shown that such a change furthers the intent of the Comprehensive Plan to provide for interconnectivity between developments;
11. additions of bicycle or pedestrian connections; or
12. time table extensions of one year or less for a specific phase of development.

~~(d) Proposed Amendments of Conditions or Certain Other Amendments~~

~~Any proposed amendment to a condition imposed by the Board of County Commissioners or any proposed amendment that alters the character or purpose of the planned development district shall be deemed a major amendment.~~

(e) Approved Zoning Master Plan Revisions

Upon approval of any revisions, an applicant shall make the approved revisions to the zoning master plan and accompanying documentation and submit six copies to the Department to obtain signatures of the Development Review Departments within 30 days of the approval date.

402.90 Control of Planned Development Districts

(a) Control Following Completion

After completion of all construction and improvements associated with a planned development district, the use of the land, including any modification or alteration of any buildings or structures within the planned development district shall continue to be regulated in accordance with the approved zoning master plan, except as otherwise provided herein.

(b) Minor Modifications to Buildings or Structures

Minor extensions, alterations or modification of existing non-residential or mixed use buildings or structures may be permitted after review and approval by the Development Review Committee provided they are substantially consistent with the purposes of the development plan, and are not deemed a major change as provided in §402.89.

402.91 Reinstatement of Previously Approved Planned Developments

(a) The DRC has the authority to consider the following Planned Developments (PD) or Planned Unit Developments (PUD) for reinstatement:

1. Planned Developments with a previously approved phasing schedule or previously approved time frame that has been exceeded by at least one (1) year.
2. Planned Developments without a previously approved phasing schedule or time frame and that has not had any permitted development activity nor had a development plan approved within 18 months of the submittal date.

(b) The DRC has the authority to approve, approve with conditions or deny a proposed development plan for Planned Developments meeting (a) above provided the DRC determines:

1. The PD or PUD in whole, part or phase is consistent with the Comprehensive Plan or
2. Any changes required to bring the PD into compliance with the Comprehensive Plan are determined to be a minor change under §402.89(d) above.

(c) Where the DRC finds the PD or PUD does not meet §402.91(b)2 above, an application shall be considered a major change and require approval by the Board of County Commissioners.

Article 15 Activity Centers

402.92 Activity Centers

Activity Centers provide for the concentration of mixtures of higher intensity and density land uses through designation of Activity Centers on the Future Land Use Map. Development within or changes to an existing activity center or the creation of new activity centers shall follow the procedures of this Article.

402.93 Activity Center Master Plan

(a) General

1. ~~Activity~~All activity centers shall be governed by a Master Plan, as described in this Article, and as ~~allowed~~required by Policy 2.1.107 of the Future Land Use Element of the Comprehensive Plan ~~shall be developed in accordance with that Plan.~~
2. The regulations contained herein are intended to provide a means of incorporating the general activity center development standards contained in the adopted Comprehensive Plan into Master Plans for all activity centers.
3. Master Plans shall ensure that development within activity centers is coordinated in such a way that promotes the creation of pedestrian-friendly compact centers that are economically viable, served by adequate public facilities, connected to a multi-modal transportation system and are integrated with surrounding and internal land uses.

(b) Intent of Master Plan Review

In addition to meeting the requirements of the Comprehensive Plan, the intent of Master Plan review is as follows:

1. To provide an initial review of proposed development and its basic development concepts prior to proceeding with phase-by-phase development plan and/or plat review within activity centers. It is intended that the level of information needed for Master Plan review will not require extensive site engineering, but will require basic analysis of existing site conditions and future planning considerations for the overall activity center, and
2. To provide a mechanism to facilitate the provision of shared infrastructure within activity centers, including but not limited to, multi-modal transportation facilities, stormwater facilities, open space, and civic space.

(c) Standards for Approval of Master Plans

1. Master Plans shall be consistent with all applicable policies of the Alachua County Comprehensive Plan.
2. Master Plans shall be consistent with Chapter 405, Article 2, Activity Center Development and Design Standards, of this ULDC.
3. Master Plans shall be consistent with all applicable general development standards of Chapter 402 of this ULDC.
4. All necessary public facilities (both on and off site), such as transportation, sanitation, water, sewer, stormwater, emergency services, education, recreation, and civic space shall be adequate to serve the proposed land uses in the Master Plan area.

(d) ~~When Master Plan Review is Required~~

~~Proposals for individual new development or redevelopment within activity centers that meet or exceed any of the thresholds listed in Table 402.93.1 shall require review and adoption of an activity center Master Plan as a prerequisite for submittal of a development plan application. Development proposals that do not meet or exceed the thresholds may proceed using the activity center development plan option, as described in §402.93.~~

Table 402.93.1

Master Plan Thresholds

Residential	100 dwelling units
Commercial Retail or Office	50,000 sf of GFA*
Industrial	100,000 sf of GFA
All Development Types	New development on property that is 50% or more of the land area of any quadrant of an activity center.
All Development Types	New Development of Regional Impact application
All Development Types	Large Scale Future Land Use Map amendment application, including activity center boundary modification.
All Development Types	External trip generation is equal to or greater than 5,000 total vehicle trips on a weekday**

*GFA = gross floor area

** Trip generation will be determined using the latest edition of *Trip Generation* published by the Institute of Transportation Engineers

(e) ~~Alternatives to Master Plan~~

~~Development plan applications on parcels within activity centers that meet or exceed the thresholds contained in Table 402.93.1 shall not require the review and adoption of a new Master Plan as a prerequisite for development plan approval if the proposed development meets any of the following conditions:~~

- ~~1. The development application demonstrates coordination with surrounding property owners to provide shared and centralized stormwater facilities, open space, civic space, parking, and multi modal transportation facilities within the overall activity center. The development application is also consistent with all applicable sections of Chapter 402, Article 2, Activity Center~~

~~Development and Design Standards contained in this ULDC and the Urban Activity Center Policies of Section 2.0 of the Future Land Use Element of the adopted Comprehensive Plan.~~

- ~~2. The applicant demonstrates that:

 - ~~a. the specific existing activity center plan and policies of the Comprehensive Plan's Future Land Use Element contained in 2.5 Activity Center Plans, meets the full intent of an activity center Master Plan, as provided herein; and~~
 - ~~b. is consistent with all general activity center policies contained in the Comprehensive Plan's Future Land Use Element 2.0 Urban Activity Center Policies.~~~~
- ~~3. Retail establishments of 100,000 square feet Gross Floor Area (GFA) or more require adoption of Master Plan.~~

(f)(d) Master Plan Elements

An activity center Master Plan shall provide for a specific plan of development for each activity center to implement the general activity center policies and existing activity center plans contained in the Comprehensive Plan's Future Land Use Element 2.0 Urban Activity Center Policies. Master Plans shall be adopted under the provisions of Article 8 of this Chapter, Unified Land Development Code Text Amendments, into this ULDC, and may be in the form of text regulations, maps, and/or illustrations. The Master Plan shall, at a minimum, address the following considerations:

1. Permitted land use types, including:
 - a. A range of gross floor area and type of non-residential uses, and
 - b. A range of the number and type of residential dwelling units.
2. General arrangement and location of permitted land use types.
3. Infrastructure planning, including identification of needs, means of financing, phasing, and opportunities for shared infrastructure for the Master Plan area.
4. General Development standards for the Master Plan area including arrangement of buildings and streets, setbacks, building heights, lot coverage, floor area ratio, and building design.
5. Estimate of the required parking for the proposed land use types, general location of parking areas, and opportunities for shared parking if applicable.
6. Landscaping and buffering standards.
7. General location, dimensions, and type of stormwater facilities that will serve all land uses within the Master Plan area. Opportunities for shared stormwater facilities shall be identified at the master plan stage.
8. General standards for signage within the Master Plan area.
9. General location, dimensions, and type of open space areas that will serve all land uses within the Master Plan area. This shall include any opportunities for shared open space if applicable.
10. General location, dimensions, and type of civic use areas that will serve all land uses within the Master Plan area. This shall include any opportunities for shared civic use areas if applicable.

11. Traffic circulation plan for the Master Plan area including automobile, transit, bicycle, and pedestrian circulation. The traffic circulation plan shall provide for multi-modal connections throughout the activity center and into surrounding areas. The traffic circulation plan shall also provide for proposed access points to the activity center from the surrounding road network.

~~(g)~~(e) Minimum Land Area for Master Plans

An activity center Master Plan shall apply to at least one quadrant within the activity center, but should apply to the entire activity center, where feasible. For the purpose of this Article, a quadrant is the division of an Activity Center made by the intersection of the two major roadways within the Activity Center.

~~(h)~~(f) Master Plan Participants

1. The Master Planning process shall be a collaborative effort between the County, property owners, and the public.
2. Activity Center Master Plans may be initiated by the County, a property owner, or group of property owners.

~~(i)~~(g) Master Plan Application Requirements

An application for an Activity Center Master Plan shall include the following:

1. all of the requirements of Article 2, Common Development Application Elements, of this Chapter.
2. all of the requirements of Article 8, Unified Land Development Code Text Amendments, of this Chapter.
3. all of the items listed above in §402.93(d), Master Plan Elements.
4. **Multi-modal Transportation Impact Analysis**

A multi-modal transportation analysis shall be prepared by a qualified traffic engineer. This analysis shall provide detailed information on the availability of facilities to accommodate multiple modes of transportation, including but not limited to, vehicle roadways, bicycle thoroughfares, pedestrian infrastructure, and transit service. For proposed retail establishments of 100,000 square feet GFA or more, the transportation study should include the effect the proposed retail establishment would have on average vehicle miles traveled.

5. Infrastructure Plan

An infrastructure plan shall provide a general analysis of the infrastructure needs for the Master Plan area at buildout conditions, and a phasing and financing plan for any needed infrastructure improvements associated with development in the Master Plan area. Infrastructure shall include, but is not limited to multi-modal transportation facilities, stormwater management facilities, utilities, open space, and civic space. Mechanisms for implementing shared infrastructure shall be provided.

6. Market Feasibility Analysis and Employment Study

- a. A market feasibility analysis must demonstrate that the proposed land uses and development intensities for the activity center are economically feasible and needed in light of existing and future development of similar types as well as existing and future populations within the market area of

the activity center. The market area shall be delineated in the analysis. For retail establishments of 100,000 square feet GFA or more, adjoining market areas shall also be delineated, if applicable. At a minimum, all market feasibility studies shall take into account the following:

- i. Current population of the market area of an activity center, future population of the market area of an activity center, the number of people the center is estimated to serve, existing residential development within the market area, and future residential development within the market area. All projections of future population and development shall be based on the Future Land Use Map in effect at the time.
 - ii. The market feasibility study shall also recognize the full development potential of the nearest activity centers and existing and planned commercial development within the market area.
 - iii. Where new commercial retail uses are proposed, the market feasibility study shall take into account: (i) the per capita retail expenditures within the market area and the percentage of retail sales revenue spent within the activity center, as a percentage of retail within the entire county; (ii) how the proposed retail establishment will affect the supply and demand for retail space within the market or service area; and (iii) the effect the retail establishment will have on existing retail operations within the market area.
- b. An employment study shall be prepared documenting the need for the uses proposed including for retail establishments of 100,000 square feet GFA or more, through analysis of factors including employment rates, economic development needs, income levels and jobs-housing balance within the market area.
 - c. Data for the market feasibility analysis must be obtained from professionally accepted sources including, but not limited to, U.S. Census and related data, the Bureau of Economic and Business Research (BEBR) at the University of Florida, or the Traffic Analysis Zone (TAZ) population projections from the North Central Florida Regional Planning Council.
7. Fiscal impact study for all governmental jurisdictions within the market area including a projection of public revenues and costs resulting from the construction and operation of the proposed retail establishment.

(j)(h) Processing of Applications

1. Notice to Property Owners

Prior to development of an activity center Master Plan, the applicant shall notify all property owners within the Activity Center in writing of the intent to develop a Master Plan for the area, and shall be encouraged to participate in the planning process.

2. Pre-Application Conference

Prior to the initiation of an activity center Master Plan, an applicant other than the County shall request and participate in a pre-application conference with the Department. At this conference, the Department will identify any specific issues that must be addressed during the planning process.

3. Initiation of Master Plans

- a. Master Plans shall be initiated by resolution of the Board of County Commissioners.
- b. Requests to initiate a Master Plan shall specify the following:
 - i. the area to be covered by the Master Plan.
 - ii. a list of all individual properties and current landowners within the Master Plan area.
 - iii. general description of the proposed planning process that will be used to develop the Master Plan.
 - iv. a scope of study that outlines the specific planning issues that will be addressed through the Master Planning process.
- c. Upon receiving a request to initiate a Master Plan by resolution, the Board of County Commissioners shall take one of the following actions:
 - i. Approval,
 - ii. Approval with modifications, or
 - iii. Denial

4. Neighborhood Workshop

Upon approval of a request to initiate a Master Plan, an applicant, including the County, shall hold a neighborhood workshop prior to the submittal of an application for a Master Plan. The neighborhood workshop shall be conducted in accordance with Article 5, Neighborhood Workshops, of this Chapter. In addition, posted notice on the subject property shall be required.

5. Submittal of Application

After the Neighborhood Workshop has been conducted, an application for a Master Plan may be submitted to the Department. An application for a master plan may include text regulations, maps, and/or illustrations.

6. Public Hearings

An activity center Master Plan shall be adopted through public hearings, as amendments to this Land Development Code, in accordance with Article 8 of this Chapter, Unified Land Development Code Text Amendments.

~~(k)~~(i) Relationship of a Master Plan to the Comprehensive Plan

The Comprehensive Plan may require map or text amendments in connection with the adoption of an activity center Master Plan, in order to permit the land uses and development types provided in the Master Plan. Such amendments shall be processed in accordance with Article 7 of this Chapter.

(j) Conflict with Underlying Zoning

Where the provisions of an adopted activity center Master Plan are in conflict with the provisions of the underlying zoning district, the provisions of any Master Plan adopted in accordance with this Article shall control.

402.94 Activity Center Development Plan Applications**(a) Generally**

Any development plan applications within activity centers shall be submitted and processed in accordance with Article 10 of this Chapter, Development Plan Review, with the additional requirements provided in this Section.

(b) Development Plan Application Requirements

In addition to the general development plan application requirements set forth in Article 10 of this Chapter, applications for development plan approval within activity centers must also include the following:

1. Location and details of individual placemaking elements, including streetscape furniture, lighting fixtures, benches, civic art, walls, fences, signs, monuments, alternative pavement surfaces and other man-made features to be used in the landscape or development to enhance the pedestrian scale and activity of the development.
2. Evaluation of existing infrastructure and public facilities within the overall activity center. The evaluation must, at a minimum, identify the parking, stormwater, multi-modal transportation, open space, utilities, and civic space needs and requirements for the proposed development, and how such requirements shall be achieved. The application shall demonstrate that all potential opportunities for shared infrastructure within the activity center have been explored.
3. Demonstration of compliance with all applicable Urban Activity Center regulations contained in Article 2 of Chapter 405 of this ULDC.
4. If a Master Plan has been adopted for the activity center, the applicant shall be required to demonstrate compliance with the provisions of the adopted Master Plan

(c) Effect on Surrounding Parcels

A development plan in an activity center shall be binding only as it relates to the identified development parcel. Any reference to surrounding parcels on an activity center development plan or its supporting documents shall be for informational purposes only, and shall not constitute approval of any development on the surrounding parcels.

402.95 New Activity Centers and Changes to Activity Center Boundaries

- (a) A Comprehensive Plan amendment is required in order to establish a new activity center or modify the boundaries of an existing activity center. Comprehensive Plan amendments for new activity centers or modifications to activity center boundaries will be processed in accordance with Article 7, Comprehensive Plan Amendments, of this Chapter.

- (b) Establishment of new activity centers and modification to existing activity center boundaries shall require adoption of a new activity center Master Plan in accordance with this Article.

DRAFT

Article 16 Special Area Plans

402.96 Purpose

Special Area Plans are established as one mechanism to protect unique environmental, historic, or cultural resources within strategic ecosystems, significant habitat areas, listed species habitat areas, or to address specific needs and circumstances in other areas designated by the Board of County Commissioners in order to enhance livability, protect the character of a neighborhood, provide amenities, plan for traffic management, and facilitate joint planning with municipalities. Where a Special Area Plan is required, the process is designed to facilitate the collaborative planning of these areas in order to provide integrated protection of resources and to provide for shared infrastructure and common open space.

402.97 Applicability

The adoption of a Special Area Plan is required for:

- (a) Strategic ecosystems, as identified within the KBN/Golder Associates report, "Alachua County Ecological Inventory Project" (1996), and mapped generally on the KBN/Golder Ecological Inventory Map adopted in the Future Land Use Element of the Comprehensive Plan; except as provided in Article 5, Strategic Ecosystems, of Chapter 406.
- (b) Other areas specifically designated by the Board of County Commissioners as part of a community and neighborhood planning program effort to address specific needs and circumstances.
- (c) Properties containing significant habitat areas or listed species habitat areas if required by Chapter 406, Article 3.

402.98 Special Area Planning Process

The process required for the development or expansion of a Special Area Plan may be initiated by the County, a property owner, or group of property owners within an individual strategic ecosystem, adjacent strategic ecosystems, or other areas designated for Special Area Planning. The Special Area Planning process consists of the following basic components:

- (a) A scope of work that defines the geographic extent of the study and the level of detail of the planning effort;
- (b) A Special Area Study that includes a public participation process, a scientific assessment of resources, analysis of infrastructure, and a land use analysis;
- (c) A Special Area Plan that provides a specific land use and resource protection plan, including development guidelines, to direct the type, manner, and location of future activities, and to plan for infrastructure needs.

402.99 Pre-Application Conference

Prior to the initiation of the Special Area Planning process, an applicant shall request and participate in a pre-application conference with the Department. At this conference, the Department will identify specific issues that must be addressed during the process.

402.100 Scope of Work

Determining the scope of work is the first step in the special area planning process, and should be a collaborative effort between the County, property owners, and the public. The scope of work will be determined at a public hearing of the Board of County Commissioners.

(a) Notice to Stakeholders

All property owners within the strategic ecosystem(s) or other area for which a Special Area Plan is being developed, shall be notified in writing of the intent to develop a plan for the area at least 30 days prior to the public hearing and shall be encouraged to participate in the planning process.

(b) Specific Elements

The scope of work shall specify the following:

1. The geographic extent to be covered by the Special Area Plan. A Special Area Plan may be conducted for all or for portions of one or multiple adjacent strategic ecosystems, or for other areas of natural, cultural, community, or historic significance as specifically designated by the Board of County Commissioners. The defined area for study shall be sufficient to understand the nature of system values and function and relevant historic resources and infrastructure.
2. Basic information concerning all properties within and immediately abutting the strategic ecosystem(s) or other planning area, including the acreage, current uses and owners for each parcel.
3. The important ecological functions for the strategic ecosystem(s) or other planning area, based on available historical and digital map data, and other information sources.
4. The type, extent, and schedule for ground-truthing to be conducted, identifying opportunities for verification of results by the County and affected owners within the strategic ecosystem(s) or other planning area.
5. Description of relevant infrastructure, including transportation facilities.
6. Detailed description of the planning process, meeting the requirements of Article 3 of this Chapter, Preliminary Procedures for All Applications, that will be used to develop the Special Area Plan. This shall include the means of public participation, an outline for the Special Area Plan, and the format of the outcome to be provided in the Special Area Plan.
7. The specific planning issues that will be addressed through the Special Area Planning process and their relationship to county-wide comprehensive planning goals and/or the vision of the community or neighborhood.
8. The minimum qualifications of the environmental professionals that will be participating in the study.

(c) Review Process

The proposed scope for a Special Area Study and Plan shall be submitted to County staff for recommendation for resolution by the Board of County Commissioners. Upon receiving recommendations from County staff, the Board of County Commissioners shall take one of the following actions:

1. Approval;
2. Approval with modifications; or
3. Denial.

402.101 Special Area Study

After the scope of work is approved, the Special Area Study shall be conducted in accordance with the approved scope of work to create a ground-truthed resource assessment and an infrastructure and land use analysis that will provide the supporting data and analysis for the Special Area Plan. This process shall be a collaborative effort between the County, property owners, and the public, and shall involve the following steps.

(a) Stakeholders Workshop

All property owners within the area defined by the scope of the Special Area Study, as well as other registered stakeholders, shall be notified in writing of the intent to develop a plan for the area, and shall be encouraged to participate in the planning process. Prior to the submittal of an application for a Special Area Plan, an applicant, including the County, shall hold a stakeholders workshop. The workshop shall be conducted and documented in accordance with Article 5, Neighborhood Workshops, of this Chapter.

(b) Ground-Truthing of Site

Site-specific ground-truthing of natural resources shall be conducted to evaluate critical system functions and values in accordance with the requirements of the natural and historic resources assessment (see Chapter 406, §406.04). For Special Area Studies within strategic ecosystems, site-specific ground-truthing shall be conducted using the KBN/Golder report, background mapping and historical data, and other specific factors identified in Article 5 of Chapter 406, as a guide to develop a current scientific assessment of the systems involved. The location and extent of specific natural resources, as well as higher and lower valued portions of the strategic ecosystem(s), shall be delineated within the study area, and with respect to surrounding ecosystems. Those areas found not to contain strategic ecosystem resources shall be eligible for consideration for development as part of a development plan or Special Area Plan provided the ecological integrity of the strategic ecosystem as a whole will be sufficiently protected.

(c) Public Infrastructure and Services

The study shall identify potential access to public infrastructure and services, and issues and needs related to public infrastructure and services.

(d) Land Use Analysis

The study participants shall determine one or more scenarios for the future uses of land within the area of study and identify the most appropriate locations for various types of land use, including as applicable, agriculture or silviculture activities and conservation areas. Parcel ownership and management considerations shall be evaluated in order to develop a scenario that balances protection of the natural and historic resources with ownership interests and protection of private property rights.

402.102 Special Area Plan

Once completed, a Special Area Study shall form the basis for the submittal of a Special Area Plan. The Special Area Plan shall be in the form of text regulations, illustrations, and maps that are adopted into this Unified Land Development Code, and as necessary, adopted into the Comprehensive Plan. General development standards shall be consistent with the requirements of Chapters 406 and 407. The Special Area Plan shall, at a minimum, address the following considerations:

- (a) Permitted land use types, including:
 - 1. A range of gross floor area and type of non-residential uses, and
 - 2. A range of the number and type of residential dwelling units.
- (b) General arrangement and location of permitted land use types and their density or intensity.
- (c) Infrastructure planning, including identification of needs, phasing, and opportunities for shared infrastructure.
- (d) Landscaping and buffering standards.
- (e) General location and type of stormwater facilities that will serve all land uses within the Special Area Plan.
- (f) General location, dimensions, and type of open space areas that will serve all land uses within the Special Area Plan.
- (g) Transportation circulation plan including automobile, transit, bicycle, and pedestrian circulation. The transportation circulation plan shall provide for proposed access points to the development from the surrounding road network.
- (h) Description of protection methods and management strategies for conservation management areas, including conservation easements or management plans. Specific discussion of how important ecosystem values are maintained long-term.
- (i) A set of specific resource standards shall be prepared consistent with the goals and policies of the Conservation and Open Space Element of the Comprehensive Plan. They shall be based upon information developed from the special area study and relate to all of a natural resources and processes of the strategic ecosystem or other relevant natural and community resources. These standards will ensure the continued functioning of natural processes by considering cumulative impact information generated from the study's impact assessments.

402.103 Adoption of Special Area Plans

A Special Area Plan shall be adopted through public hearings, as amendments to this ULDC, in accordance with Article 8, Unified Land Development Code Text Amendments, of this Chapter. The Comprehensive Plan may require map or text amendments in connection with the adoption of a Special Area Plan, in order to permit the land uses and development types. Such amendments shall be processed in accordance with Article 7, Comprehensive Plan Amendment, of this Chapter. Once adopted, the Special Area Plan will govern all subsequent development requests within its boundaries.

402.104 Implementation of Special Area Plans

Development plan applications within established Special Area Plans shall be submitted and processed in accordance with Article 10 of this Chapter, Development Plan Review. If a Special Area Plan has been adopted that applies to the parcels proposed for development, the applicant shall be required to demonstrate compliance with the adopted Special Area Plan.

Article 17 Special Exceptions

402.105 Applicability

All development applications for special exception approval shall comply with the requirements of this Article.

402.106 Definition of Special Exception

(a) Definition

For the purposes of this ULDC, a special exception is defined as a use that would not be appropriate generally or without restrictions in a zoning district, but which, if controlled as to number, area, location, appearance, character or relation to the surrounding neighborhood and uses, would not adversely affect the public health, safety, or welfare.

(b) Limits or Restrictions on Special Exceptions

A special exception use may be permitted in a zoning district when listed in the Use Table, Article 2 of Chapter 404, subject to special conditions, limits or restrictions to ensure that the use is consistent with the Comprehensive Plan, this ULDC, and other requirements of the Alachua County Code.

(c) Exemption

Upon approval of a Special Exception by the Board of County Commissioners, the applicant may submit a development plan to the DRC for preliminary and final approval and is exempt from the requirements of Article 10, §402.44 requiring preliminary development plan approval by the Board of County Commissioners for those proposals meeting or exceeding the development thresholds.

402.107 Pre-application Conference

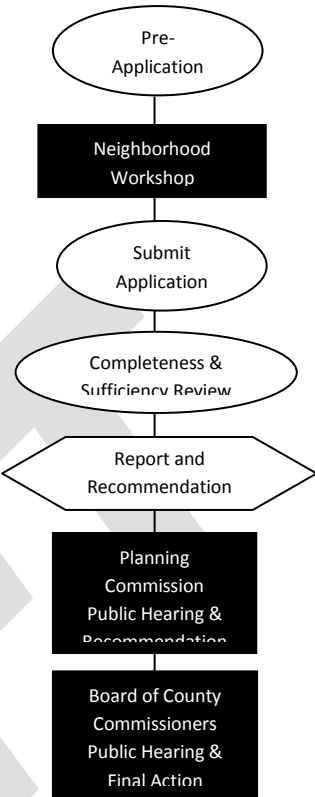
Prior to the submittal of an application for a special exception, the applicant shall request and participate in a pre-application conference with the Department.

402.108 Neighborhood Workshop

An applicant shall hold a neighborhood workshop prior to submittal of a special exception application in accordance with Article 5, Neighborhood Workshops, of this Chapter, except for minor ~~amendments~~ ~~revisions~~ to existing special exceptions.

402.109 Application Requirements

An application for a special exception shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter. Applications for Preliminary Development Plan approval may be processed concurrently with applications for Special Exceptions. Applications submitted concurrently may have additional requirements for submittal.



402.110 Public Notice Requirements

~~Prior to a mailed notice, published notice and posted notice shall be required before the first public hearing on any application for special exception, published, posted and mailed notice is required or for revision of an existing special exception, in accordance with the procedures outlined in Article 4, Article 4, Notice of Hearings, of this Chapter. Any subsequent public hearing shall require only published and posted notice.~~

402.111 Review by the Planning Commission

(a) Planning Commission Public Hearing

All development applications for special exception approval shall be considered by the Planning Commission at a public hearing, prior to a public hearing or action by the Board of County Commissioners.

(b) Consideration of Special Exception Applications

The Planning Commission shall consider a proposed special exception utilizing the criteria for approval listed in §402.113.

(c) Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special exception should be approved, approved with conditions or denied.

402.112 Action by the Board of County Commissioners

(a) Public Hearing

Upon receipt of the recommendations from the Planning Commission, the Board of County Commissioners shall hold a public hearing to consider a proposed special exception.

(b) Action by the Board of County Commissioners

Following the public hearing, the Board of County Commissioners may take one of the following actions:

1. approve the special exception application;
2. approve the special exception application with conditions and limitations; or
3. deny the special exception application.

402.113 Criteria for Approval

The Board of County Commissioners 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. screening and buffering with reference to type, dimensions and character;
7. signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
8. required yards and other open space;
9. general compatibility with surrounding properties; and
10. any special requirements set forth in this ULDC for the particular use involved.

402.114 Conditions and Safeguards

In granting any special exception, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with this ULDC. Failure to comply with the conditions adopted as part of a special exception shall constitute a violation punishable by the penalties and remedies outlined in Chapter 409 of this ULDC.

402.115 Minor and Major Amendments to Existing Special Exceptions

(a) Minor Amendments

An amendment to an existing special exception shall be considered minor where it will not cause an expansion to the existing use, or additional impacts to surrounding properties, natural resources, or public infrastructure. A minor amendment to an existing special exception shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners with notice as provided in Article 4 of this Chapter.

(b) Major Amendments

A major amendment to an existing special exception is any change that is not deemed to be a minor amendment in accordance with subsection (a) above.

~~(c) Review of Minor and Major Amendments~~

~~1. Minor Amendments~~

~~A minor amendment to an existing special exception shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners.~~

~~2. Major Amendments~~

A major amendment to an existing special exception shall be reviewed in public hearings of the Planning Commission and the Board of County Commissioners with

notice as provided in Article 4 of this Chapter. in the same manner as a new application.

402.115.5 Voluntary Termination

A property owner or the Board of County Commissioners may initiate the following process to terminate a Special Exception. Noncompliance with the conditions of a Special Exception or other provisions of this ULDC shall be governed by Article 2, Penalties and Remedies, of Chapter 409.

(a) Initiated by Property Owner

Where a property owner requests that the Board of County Commissioners terminate a Special Exception that applies to their property the request shall be submitted in writing to the Department of Growth Management and shall be accompanied by a fee sufficient to cover the cost of advertising, as required herein. The Department shall schedule the item for a public hearing by the Board of County Commissioners and provide mailed notification in accordance with Section 402.14 of this ULDC. The Department shall provide published notice in accordance with Section 402.15 of this ULDC. The Board of County Commissioners may either approve or deny the request for termination.

(b) Initiated by County

Where the Board of County Commissioners chooses to initiate a termination of a Special Exception, the Department of Growth Management shall be responsible for processing the request. The Department shall provide mailed notification of the request to the property owner by certified mail no later than 60 days prior to the scheduled public hearing. Property owners surrounding the property shall be notified consistent with Section 402.14 of this ULDC. The property owner may submit to the Department, within 15 days of receiving notification, justification for not terminating the Special Exception. If the property owner provides justification for not terminating the Special Exception, the Department shall cease processing the termination. Where a property owner provides no response or notification of acceptance of the termination, the Department shall provide published notice in accordance with Section 402.15 of this ULDC and schedule the item for public hearing. The Board of County Commissioners may either approve or deny the request for termination.

402.116 -Administrative Time Extensions

The Director may grant a one time extension, for a maximum of 90 days, if a complete and sufficient application for development plan review, in accordance with Article 3, Preliminary Procedures for all Applications, of this Chapter, has been submitted to the Development Review Committee a minimum of 60 days prior to the expiration of the time limit.

Article 18 Special Use Permits

402.117 Applicability

All development applications for a special use permit approval shall comply with the requirements of this Article.

402.118 Pre-application Conference

Prior to the submittal of an application for a special use permit, the applicant shall request and participate in a pre-application conference with the Department.

402.119 Neighborhood Workshop

An applicant shall hold a neighborhood workshop prior to submittal of a special use permit application in accordance with Article 5, Neighborhood Workshops, of this Chapter, except for minor amendments to existing special use permits..-

402.120 Application Requirements

An application for a special use permit shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter. Applications for Preliminary Development Plan approval may be processed concurrently with applications for Special Use Permit. Applications submitted concurrently may have additional requirements for submittal.

402.121 Public Notice Requirements

Mailed notice, published notice and posted notice shall be required for any application for a special use permit in accordance with the procedures in Article 4, Notice of Hearings, of this Chapter.

402.122 Review by the Planning Commission

(a) Planning Commission Public Hearing

All development applications for special use permits shall be considered by the Planning Commission at a public hearing, prior to a public hearing or action by the Board of County Commissioners.

(b) Consideration of Special Use Permit Applications

The Planning Commission shall consider a proposed special use permit utilizing the criteria for approval listed in §402.114.

(c) Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special use permit should be approved, approved with conditions or denied.

402.123 Action by the Board of County Commissioners

(a) Public Hearing

Upon receipt of the recommendation from the Planning Commission, the Board of County Commissioners shall hold a public hearing to consider a proposed special use permit.

(b) Action by the Board of County Commissioners

Following the public hearing, the Board of County Commissioners may take one of the following actions:

1. approve the special use permit application;

2. approve the special use permit application with conditions and limitations; or
3. deny the special use permit application.

(c) Development Plan Approval Exemption

Upon approval of a Special Use Permit by the Board of County Commissioners, the applicant may submit a development plan to the DRC for preliminary and final approval and is exempt from the requirements of Article 10, §402.44 requiring preliminary development plan approval by the Board of County Commissioners for those proposals meeting or exceeding the development thresholds.

402.124 Criteria for Approval

The Board of County Commissioners shall, as part of a decision to approve an application for a special use permit, 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 use permit~~exception~~ on surrounding properties;
 4. refuse and service areas, with particular reference to location, screening and items 1 and 2 above;
 5. Utilities, with reference to location and availability;
 6. Screening and buffering with reference to type, dimensions and character;
 7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 8. Required yards and other open space;
 9. General compatibility with surrounding properties; and
 10. Any special requirements set forth in this ULDC for the particular use involved.

402.125 Conditions and Safeguards

In granting any special use permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with this ULDC. Failure to comply with the conditions adopted as part of a special use permit shall constitute a violation punishable by the penalties and remedies outlined in Chapter 409 of this ULDC.

402.126 Minor and Major Amendments to Existing Special Use Permits**(a) Minor Amendments**

An amendment to an existing special use permit shall be considered minor where it will not cause an expansion to the existing use, or additional impacts to surrounding properties, natural resources, or public infrastructure.

(b) ~~Major Amendments~~

~~A major amendment to an existing special use permit is any change that is not deemed to be a minor amendment in accordance with subsection (a) above.~~

~~(c) Review of Minor and Major Amendments~~**~~1. Minor Amendments~~**

~~A minor amendment to an existing special use permit shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners with notice as provided in Article 4 of this Chapter.~~

~~2. Major Amendments~~**~~(d)(c) Major Amendments~~**

A major amendment to an existing special use permit is any change that is not deemed to be a minor amendment in accordance with subsection (a) above. A major amendment to an existing special use permit shall be reviewed in public hearings of the Planning Commission and the Board of County Commissioners in the same manner as a new application with notice as provided in this Chapter.

402.126.5 Voluntary Termination

A property owner or the Board of County Commissioners may initiate the following process to terminate a Special Use Permit. Noncompliance with the conditions of a Special Use Permit or other provisions of this ULDC shall be governed by Article 2, Penalties and Remedies, of Chapter 409.

(a) Initiated by Property Owner

Where a property owner requests that the Board of County Commissioners terminate a Special Use Permit that applies to their property the request shall be submitted in writing to the Department of Growth Management and shall be accompanied by a fee sufficient to cover the cost of advertising, as required herein. The Department shall schedule the item for a public hearing by the Board of County Commissioners and provide mailed notification in accordance with Section 402.14 of this ULDC. The Department shall provide published notice in accordance with Section 402.15 of this ULDC. The Board of County Commissioners may either approve or deny the request for termination.

(b) Initiated by County

Where the Board of County Commissioners chooses to initiate a termination of a Special Use Permit, the Department of Growth Management shall be responsible for processing the request. The Department shall provide mailed notification of the request to the property owner by certified mail no later than 60 days prior to the scheduled public hearing. Property owners surrounding the property shall be notified consistent with Section 402.14 of this ULDC. The property owner may submit to the Department, within 15 days of receiving notification, justification for

not terminating the Special Use Permit. If the property owner provides justification for not terminating the Special Use Permit, the Department shall cease processing the termination. Where a property owner provides no response or notification of acceptance of the termination, the Department shall provide published notice in accordance with Section 402.15 of this ULDC and schedule the item for public hearing. The Board of County Commissioners may either approve or deny the request for termination.

402.127 Administrative Time Extensions

The Director may grant a one time extension, for a maximum of 90 days, if a complete and sufficient application, in accordance with Article 3, Preliminary Procedures for all Applications, of this Chapter, has been submitted a minimum of 60 days prior to the expiration of the time limit.

DRAFT

Article 19 Traditional Neighborhood and Transit Oriented Development Applications

402.128 Applicability

(a) Development

The requirements of this Section shall apply to all development applications for approval of Traditional Neighborhood Development [TND] or Transit Oriented Development [TOD], as established in the Comprehensive Plan and this ULDC.

402.129 RESERVED

402.130 Development Review of TND and TOD Applications

(a) Pre-Application Conference

Prior to the submittal of an application for a TND or TOD, the applicant shall request a pre-application conference with the Department.

(b) Procedures for Review

An application for approval of a TND or a TOD shall be reviewed as a development plan as set forth in Article 10. The reviewing body may approve a preliminary development plan with a phasing schedule for TNDs or TODs allowing for implementation over a time period up to 10 years. TODs may establish a longer phasing schedule as agreed upon between the County and the Developer as part of a binding development agreement.

(c) Preliminary Development Plan

An application for Preliminary Development Plan review for a TND or TOD shall be submitted in accordance with Chapter 402, Article 10, Development Plan Review, of this chapter. As part of the preliminary development plan submittal, a Master Plan shall be submitted for the entire development that includes the following:

1. Conceptual location of the Village Center, Transit Supportive Area and Residential areas;
2. Detailed phasing schedule, including timing and location of proposed development and infrastructure, in accordance with (d) below;
3. Conceptual block pattern for the development, including locations for future connections to adjacent properties, ~~and~~;
4. Location of multi-use paths with interconnections to adjacent paths;
5. Conceptual street types and typical section details for all roadways within the TND/TOD as they relate to Table 407.141.1 of this ULDC, and;
- 4.6. The maintenance entity for all proposed roads within the TND/TOD shall be identified.

(d) Phasing

1. TNDs and TODs with:
 - a. Less than 250 dwelling units or 150,000 square feet of non-residential use may be approved with one phase.
 - b. Between 250 and 500 dwelling units or 150,000 and 300,000 square feet of non-residential use shall be approved with two phases.

- c. Between 501 and 3,000 dwelling units or 300,001 and 1,500,000 square feet of non-residential uses shall be approved with three phases.
 - d. Projects with greater than 3,000 dwelling units or 1,500,000 square feet of non-residential use shall be approved with four phases.
 2. Each TND or TOD, approved with multiple phases, shall provide for phasing of development in phases that include no less than 20% and no more than 60% of the total residential and non-residential uses proposed for the entire development. The percentage of residential and non-residential shall be the same within each phase.
 3. Each phase of a TND or TOD shall include a mix of residential and non-residential uses proportional to the total amount of residential and non-residential uses in the whole development.
 4. Within each phase of development, Final Development Plans may be approved for portions of a phase. For the first phase of development, the difference between dwelling units and nonresidential square footage may not be greater than 75% of the approved development within the phase. For single phase developments and the additional phases of multi-phased developments, the difference between dwelling units and non-residential square footage may not be greater than 50% of the approved development within the phase. The percentages shall be based on final development plan approval within each phase. (For example, a development with 100 dwelling units and 10,000 square feet of non-residential uses in phase 1 may only receive final development plan approval for all 100 dwelling units once final development plans have been approved for at least 2,500 square feet of non-residential uses.)
 5. For multi-phase developments, the difference between dwelling units and non-residential square footage for the total approved development may not be greater than the following percentages in order to receive development plan approval in a subsequent phase:
 - a. 30% to proceed to Phase 2
 - b. 15% to proceed to Phase 3
 - c. 5% to proceed to Phase 4

(e) Developer Agreement

Prior to approval of any Final Development Plan, the developer shall enter into a developer's agreement with Alachua County to provide for any required transportation funding. If no funding is required, no developer's agreement will be required.

(f) Minor Changes to Preliminary Development Plans

Where the Preliminary Development Plan for a TND or TOD has been approved by the Board of County Commissioners, the Development Review Committee may approve the following Minor Changes.

1. Reductions in number of units up to five percent provided the minimum density required by the Comprehensive Plan is still being met.
2. Reductions in the amount of non-residential square footage up to five percent provided the requirements of the Comprehensive Plan are still being met.

3. Slight changes in alignment, location, direction or length of an interior street as a result of site engineering.
4. Slight shifts in phase lines that do not affect the amount of development allowed within a phase.
5. An increase in the number of exterior access points or the relocation of exterior access points where it can be shown that such a change furthers the intent of the Comprehensive Plan to provide for interconnectivity between developments.

(g) Final Development Plan

1. Final Development Plans shall be submitted for each phase or unit of development consistent with the timeframes established in the phasing schedule.
2. Each Final Development Plan shall demonstrate consistency with the approved Preliminary Development Plan and shall include sufficient infrastructure to be consistent with applicable elements of the ULDC.

(h) Public Notice

Public notice of the review of development applications submitted in accordance with this Section shall comply with the requirements of Article 4, Notice of Hearings, of this Chapter.

(i) Neighborhood Workshops

Prior to the submittal of a TND or TOD for preliminary development plan review, an applicant shall hold an advertised neighborhood workshop in accordance with Article 5, Neighborhood Workshops, of this Chapter.

Article 20 ~~RESERVED Development inside the Urban Cluster but outside the Urban Services Line~~

402.131 RESERVED

402.132 RESERVED

402.133 RESERVED

402.134 RESERVED

402.135 RESERVED

402.131 — Applicability

Any request for development in areas designated for Urban Residential uses within the urban cluster outside the Urban Services Line established in the Comprehensive Plan shall comply with the requirements of this Article.

402.132 — Neighborhood Workshop

Prior to the submittal of an application for a proposed development outside the Urban Services Line, an applicant shall hold an advertised neighborhood workshop in accordance with Article 5, Neighborhood Workshops, of this Chapter.

402.133 — Criteria for Approval

Any preliminary development plan proposed in areas designated for urban residential uses within the Urban Cluster but outside the Urban Services Line may be approved only if it can be demonstrated that the proposed development meets the following requirements, per Policy 7.1.3.B.a in the Future Land Use Element:

- ~~(a) Documented commitment by both the applicant and the provider of centralized potable water and sanitary sewer facilities to connect the proposed development to potable water and sanitary sewer facilities;~~
- ~~(b) Adequacy of the local road network to serve the development as demonstrated through a transportation impact analysis on the arterial and collector roads. Such analysis shall be consistent with Chapter 407, Article 12, Concurrency Management and shall include:
 - ~~1. the relationship to existing road network and impacts to Level of Service;~~
 - ~~2. an overall plan for the proposed project site and surrounding area; and~~
 - ~~3. an interconnected local road, bicycle, and pedestrian network.~~~~
- ~~(c) Existing transit within ¼ mile of the development or a planned transit line which is funded and assured to be operational in time to serve the first phase of the development.~~
- ~~(d) Availability of Neighborhood and Community recreation within effective service areas.~~
- ~~(e) Adequacy of public protection facilities, such as law enforcement, fire services and emergency medical services.~~
- ~~(f) Adequacy of public schools to serve the development per the Alachua County School Board's School Zones.~~
- ~~(g) A management plan has been approved in accordance with Chapter 406, Article 20, Management Plans, for conservation management areas within the proposed~~

~~project site, including site planning techniques to preserve environmentally sensitive areas.~~

402.134 — ~~Criteria for Development Review Committee Approval~~

~~The DRC has the authority to review and approve, approve with conditions or deny a development proposal located outside the Urban Services line and inside the Urban Cluster if the proposed development meets the requirements of §402.133 above and:~~

- ~~(a) — is included in a development plan with interconnected roads linking the development with property within the Urban Services Line for which Planned Development zoning approval has been granted by the Board of County Commissioners; or~~
- ~~(b) — is included in a proposal where preliminary development plan review was granted by the Development Review Committee prior to May 2, 2005.~~

402.135 — ~~Additional Criteria for Review by Board of County Commissioners~~

~~New development proposals that do not meet the criteria in §402.134, above shall be considered by the Board of County Commissioners as part of a Planned Development application. Approval may be granted after meeting the requirements of §402.133, with additional consideration given to the following factors:~~

- ~~(a) — Enhancement of local jobs housing mix, including proximity to or inclusion of employment opportunities.~~
- ~~(b) — Inclusion of a mixed use village center.~~
- ~~(c) — Provision of affordable housing.~~
- ~~(d) — Purchase of development rights from designated sending areas through the County's Transfer of Development Rights program.~~
- ~~(e) — Fiscal impacts to the public of providing services to the proposed development.~~

Article 21 Water or Sewer Extension outside the Urban Cluster Line

402.136 Applicability

Any request for extension of potable water or central sewer service outside the Urban Cluster Line established in the Comprehensive Plan shall comply with the requirements of this Article.

402.137 Consistency with Comprehensive Plan

Any extension of water and sewer service shall be consistent with all applicable portions of the Comprehensive Plan.

402.138 Compliance with Other Criteria and Standards

An application for extension of water and sewer service shall comply with all applicable federal, state or county criteria, standards and requirements regarding the extension of water and sewer service.

402.139 Water or Sewer Extension Outside the Urban Cluster Line

(a) Action by Board of County Commissioners

Any request for extension of central sewer or potable water service outside the Urban Cluster Line shall be subject to approval by the Board of County Commissioners.

(b) Criteria and Standards for Approval

Approval of such extensions shall be based on one or more of the following findings:

1. absence of such facilities would result in a threat to public health, ~~or~~ safety or the environment; or
2. extension of such facilities is necessary to enhance the safe, effective, and efficient delivery of central potable water and sanitary sewer service within an existing urban service area; or
3. extension of such facilities would serve a purpose consistent with the Comprehensive Plan, such as the retention and expansion of existing business and industry or the attraction of new business and industry in accordance with the Economic Element, or the service of institutional or tourist/entertainment uses consistent with the Future Land Use Element; or

(c) Water or Sewer Extensions Requiring a Comprehensive Plan Amendment

A request for extension of central water and sewer service may be approved if the extension does not meet one of the criteria in §402.139(b) above, but only where the extension of such facilities is needed as part of an expansion of public services to encourage development in a new area. Such extensions require identification, scheduling, and designation of funding for capital improvements to other public facilities needed to extend urban services, which shall be incorporated into the five-year capital improvement program of the Alachua County Capital Improvement Element. These requests for extensions shall be considered amendments to the Future Land Use map by extending the Urban Cluster boundary and designation of appropriate land use designations within the new boundary. Review and approval of these Comprehensive Plan Amendments shall be based upon the following factors:

1. population growth rate;
2. maintenance of level of service standards for the potable water or sanitary sewer system; and
3. adequacy of existing and planned supporting infrastructure.

DRAFT

Article 22 Building Permits

402.140 General Provisions

(a) Consistency and Compliance

All building permits shall be consistent with and comply with the following:

1. the Comprehensive Plan;
2. this ULDC;
3. all applicable provisions of the Florida Building Code, as may be amended; and
4. all other applicable federal, state and County laws, codes and requirements.

(b) Improvement of Property Prior to Issuance of a Building Permit

When a building permit is required, site work, site clearing, grading, improvement of property or construction of any type shall not be commenced prior to the issuance of the permit.

Article 23 Family Homestead Exceptions

402.141 Applicability

A Family Homestead Exception may be granted in accordance with the provisions of this Article on a parcel designated on the Comprehensive Plan's Future Land Use Map as Rural/Agriculture without meeting the density and intensity standards of the land use designation. A family homestead exception shall be used solely as a homestead by an immediate family member of the person who conveyed the property. Once a family homestead exception is granted by the Director or the Board of Adjustment, the division of land may then occur in accordance with the requirements of Article 8, Subdivisions, of Chapter 407 of this ULDC.

402.142 Application Requirements

(a) Application

An application for a family homestead exception approval shall be submitted in accordance with Article 3, 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 non-conforming 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 Board of County Commissioners, 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 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 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 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 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 §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. the residual parcel will be at least five acres in size for property designated Rural/Agriculture on the Future Land Use Map of Alachua County;
- b. all lots have frontage on an existing publicly maintained road, provide joint driveway access to the public road or have obtained a variance through the Board of Adjustment allowing the lots to provide access to a private easement road with direct connection to a public road in accordance with the requirements of §401.11(a)3.
- c. all parcels are consistent with all other requirements of this ULDC.
- d. 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.

2. Board of Adjustment

Where the residual parcel is less than 5 acres in size the Board of Adjustment shall have the authority to consider an application to create a family homestead exception lot in accordance with the provisions of this ULDC. All other requirements listed in §402.142(c)1 above shall be met.

(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 2 acres.

2. Minimum Family Homestead Exception Lot Size

The lot for which a family homestead exception is requested shall comply with the minimum lot area and dimensional requirements listed in Table 402.142.1 below.

**Table 402.142.1
Minimum Lot and Setback Requirements**

Standard	Minimum Dimensions
Principal Building	
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
Minimum Yard Dimensions	
Front, minimum	25 feet
Rear, minimum	30 feet
Interior side, minimum	12.5 feet
Street side, minimum	25 feet
Maximum Height	35 feet
Accessory Building	
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

Note and Additional Standards

¹The 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 at 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 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.

402.143 Family Homestead Exception Certificate

(a) Issuance of Certificate

If the Board of Adjustment or the Director, per §402.142(c), finds that an application complies with all of the requirements for a family homestead, then a family homestead exception certificate shall be issued.

(b) Receiver of Certificate

The family homestead exception certificate shall be issued in the name of the immediate family member identifying by legal description the property to be utilized.

(c) Use of Certificate and Recording of Information

The recipient of a family homestead exception shall record in the real property record the Family Homestead Exception Certificate and the affidavit required in §402.142(b)5. For those lots that are not required to be platted or to obtain development plan approval from the Development Review Committee, a legal description of the lots created by the exception must also be recorded. Proof that the required documents have been recorded must be submitted with any application for a building permit on a family homestead lot prior to approval by the County.

(d) Transferability of Family Homestead

1. The family homestead shall not be transferable except as follows: To another individual meeting the definition of immediate family member in §402.142(b)3, subject to approval by the Director; or
2. To an individual not meeting the definition of immediate family member provided a residential structure has been constructed on the homestead lot and, due to circumstances beyond the control of the family member to whom the original certificate was issued such as divorce, death or job change resulting in unreasonable commuting distances, the family member is no longer able to occupy or retain ownership of the family homestead, subject to approval by the original reviewing body that approved the application.

Article 24 Temporary Placement Permits

402.144 Application

An application for a temporary placement permit (TPP) shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.145 Temporary Placement of Manufactured or Mobile Homes

(a) Temporary Placement Permitted

A manufactured home or mobile home may be permitted on a limited basis by the issuance of a temporary placement permit (TPP) by the Department.

(b) Removal of Temporary Home

Unless otherwise provided in this Article, a manufactured home or a mobile home permitted by a TPP shall be removed from the site within 60 days after completion of the activity associated with the approved permit, or at the time of the expiration of the TPP, whichever is earlier.

402.146 Types of Temporary Placement Permits

A TPP may be granted as indicated below.

(a) Emergency Residence

1. Emergency Residence Permitted

A TPP for a manufactured home or mobile home may be issued for the purposes of providing emergency residence on a site where the existing living unit has become uninhabitable due to fire, structural damage, adverse weather damage or other acts of God, while the damaged living unit is being repaired or a replacement living unit is being constructed.

2. Restrictions

a. Effect of Common Ownership

A TPP for emergency residence shall not be renewed, reissued or reassigned for a home on the same parcel or on lands under common ownership with the parcel for which the permit was originally approved.

b. Maximum Period of Time

A TPP shall not be issued for a period of time in excess of two years.

(b) Construction Residence

1. Temporary Residence Permitted

A TPP for a manufactured home or mobile home may be issued for the purpose of providing a temporary construction residence for the owner of a site who is constructing or is acting as the contractor for the construction of a site built single-family dwelling or modular dwelling.

2. Restrictions

a. Residency in Permanent Dwelling Unit

The dwelling being constructed is intended to be the sole residence of the owner upon completion of the unit.

b. Building Permit Required

A TPP may be issued for a construction residence only after the issuance of a building permit for the construction of the conventionally built or modular single-family dwelling.

c. Validity of Temporary Placement Permit

A TPP shall remain in effect only as long as the building permit is valid.

d. Building Setbacks

The temporary construction residence shall comply with the setback requirements of the zoning district.

e. Effect of Common Ownership

A TPP shall not be renewed, reissued or reassigned for a home on the same parcel or on lands under common ownership with the parcel for which the building permit was originally approved.

(c) Construction and Sales and Leasing Office

1. Office, Sales and Leasing Permitted

A manufactured ~~building~~home meeting the requirements of the Florida Building Code may be utilized as a temporary construction office or a sales and leasing office on a construction site for which a building permit has been ~~applied for.~~ issued. ~~The location of such temporary office shall be shown on the approved development plan.~~

2. Location

The location of such temporary offices shall be shown on an approved development plan. The building must be permitted through the building permit process. Where a construction or sales or leasing office is not shown on an approved development plan, an office may be approved through the building permit process where the location of the office can be shown to not interfere with construction of the site or impact natural resource protections. Such location shall require the approval of the Department of Growth Management, Department of Public Works, and Environmental Protection Department.

2.3. -Restrictions

a. Single Family Dwelling

A TPP for an office of this nature shall not include a construction project which is limited to the building of only one single-family residential structure.

b. Use as a Living Quarters

A construction office shall not be used as a living unit.

c. Maximum Time Period

A TPP may be issued for a period not to exceed two years, and may be renewed by the Department as long as the project is under active construction, development and sales or leasing. The temporary unit shall be removed within 90 days after construction is completed.

d. Accessibility

Leasing and Sales Offices must provide for accessibility as required by the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines.

DRAFT

Article 25 Temporary Use Permits

402.147 Applicability

All temporary use permits shall comply with the standards of this Article. The issuance of a temporary use permit shall not be deemed to amend the Official Zoning Map or this ULDC.

402.148 Approval

Unless otherwise provided herein, the Director has the authority to approve a temporary use permit, including any conditions or restrictions placed on the proposed activities.

402.149 Location

A temporary use shall be located as provided below:

- (a) properties possessing a nonresidential zoning district; or
- (b) properties possessing an agricultural zoning district; or
- (c) properties within residential zoning districts or residential portions of planned developments that are considered as public or institutional uses, such as schools, places of worship, or public parks; or
- (d) properties in any zoning district where temporary filming or audio recording activities will be taking place in accordance with this Article.

402.150 Categories of Temporary Uses

A temporary use activity may include but is not limited to the following:

- (a) special events;
- (b) temporary sales;
- (c) seasonal sales; and
- (d) temporary filming or audio recording of still, live or motion picture productions for theatres, television entertainment, industrial use or internet content. Excluded from these permit requirements are any individuals filming or video taping for personal or family use only, employees of print or electronic news media when filming on-going news events, or students and faculty filming exclusively for educational purposes.

402.151 Duration of Permit

A temporary use permit for a special event or temporary sale shall not exceed 3 days. For seasonal sales or activities related to temporary filming or audio recording activities, a temporary use permit shall not exceed 45 days. Any request for a temporary use permit exceeding these time limits shall be approved at a public hearing of the Board of County Commissioners. Such a request shall not require a Planning Commission public hearing and shall only require one public hearing with the Board of County Commissioners.

402.152 Number of Permits per Year

Not more than two temporary use permits for seasonal sales or motion picture production shall be issued for the same property in any calendar year. Temporary use permits for special events or temporary sales shall be issued no more than once every 60 days for the same property, not to exceed six per calendar year.

402.153 Application and Review

An application for temporary use approval shall be submitted in accordance with the provisions of Article 2 and Article 3 of this Chapter. The following additional items shall be required with applications for temporary uses.

(a) Statement of Use and Activities

A general statement of use including purpose of event, types of proposed activities, duration of use, hours of operation, anticipated attendance, security, and other information that may be required by the Director. For temporary filming or audio recording activities involving the use of county facilities the statement of use must also include equipment to be used, type of film production, product or service involved, a summary of the film content, number of people employed for the project, and the dollar amount to be spent on the project in the County. For purposes of this Section, county facilities include any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the County, including but not limited to county parks and recreation facilities

(b) Development Plan

A general development plan for the temporary use, including property boundaries, access to the site, location of tents or other temporary structures, location of proposed activities, parking, signs, temporary lighting, utilities, generators and other mechanical equipment, and setbacks of all structures, equipment, and activities from adjacent properties.

(c) Sanitation and Public Health

Plans for sanitation and public health protection including temporary bathroom facilities, inspection of food facilities, drainage, ~~and~~ garbage and litter control, and recycling, shall be approved by the Director and the Health Department, when applicable.

(d) Additional Requirements for Temporary Filming Involving Use of County Facilities

An application for temporary filming or audio recording activities involving the use of county facilities as defined in this Section shall include the following:

1. A statement in which the applicant agrees to assume all risk and be solely responsible for damage or injury to property or persons and hold harmless the county, its officers and employees from any and all claims, suits, losses, damages or injury; and
2. The applicant certifies that their employees, agents and film crew members shall abide by all conditions of the permit and all state and local laws, regulations and ordinances.

(e) Additional Information

Additional information and documentation as may be required by the Director, when applicable.

402.154 General Standards

Temporary uses shall comply with the standards listed below.

(a) Signage

Signage advertising a temporary use shall be limited to two signs, flags or banners located within the property for which the permit is issued. These shall not exceed 16 square feet of surface area, per sign, except that an applicant may choose to have only one sign that is larger, not to exceed 32 square feet of surface area. No additional signs, flags, or banners advertising the event or activity shall be permitted.

(b) Setbacks

Temporary uses do not involve the construction or alteration of any permanent structure. The minimum setbacks for the zoning district and for the existing use of the property where a temporary use occurs shall apply to the temporary use. These setbacks shall apply to all tents and other temporary structures, uses, activities or equipment related to the temporary use.

(c) Overnight Camping

No overnight camping shall be permitted as part of the temporary use permit unless approved by the Board of County Commissioners. A request for overnight camping shall not require a Planning Commission Public hearing and shall only require one public hearing with the Board of County Commissioners.

(d) Temporary Filming Involving Use of County Facilities

In addition to meeting the other requirements of this Article, the Director must make a finding that the proposed filming or audio recording activity will:

1. not unduly impede governmental business or public access;
2. not conflict with previously scheduled activities; and
3. will not imperil public safety.

402.155 Additional Standards

The Director may place additional conditions or restrictions on a temporary use permit, including but not limited to the following:

- (a) hours of operation;
- (b) traffic control and access;
- (c) lighting; and
- (d) noise control.

402.156 Surety and Insurance

(a) Surety

The Director may require the operator of a temporary use to post a cash surety, or other form of security, to provide funds to cleanup or otherwise mitigate a site following such use. The amount of the surety shall be determined by the Director.

(b) Insurance

The Director may require the operator of a temporary use to provide evidence of a general liability policy with the County named as an additional insured, at an amount determined by the County Manager. The Director may require proof of any additional insurance.

DRAFT

Article 26 Variances

402.157 Applicability

The Board of Adjustment may vary certain requirements of this ULDC, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical and result in a hardship in making reasonable use of the property.

402.158 Application Requirements

An application for a variance shall be submitted in accordance with Article 2, Common Development Application Elements, of this Chapter.

402.159 Public Notice Requirements

Mailed notice, published notice, and posted notice shall be required, according to the procedures in Article 4, Notice of Hearings, of this Chapter, before the first public hearing on any application for a variance. Any subsequent public hearing shall require only published and posted notice.

402.160 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence demonstrating that the request complies with each of the criteria for approval established in §402.162.

402.161 Action by the Board of Adjustment

The Board of Adjustment shall hold a public hearing on the proposed variance and has the authority to approve, approve with conditions or deny the variance.

402.162 Criteria for Approval

When considering an application for a variance, the Board of Adjustment shall make a finding that the application complies or does not comply with each of the individual criteria of this Section.

(a) Public Interest

The granting of a variance shall not be contrary to the public interest.

(b) Special Conditions

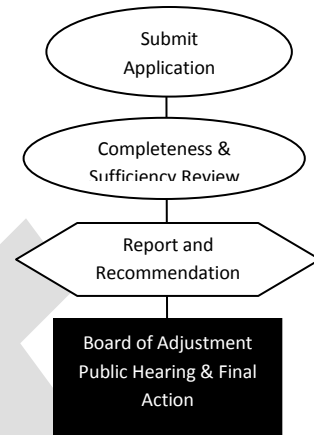
1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.

(c) Literal Interpretation

Literal interpretation of the provisions of regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ULDC and would work unnecessary and undue hardship on the applicant.

(d) Minimum Variance

The variance, if granted, is the minimum variance that shall make possible the reasonable use of the land, building or structure.



(e) Special Privilege Not Granted

The variance shall not confer on the applicant any special privilege that is denied by this ULDC to other lands, buildings or structures in the same zoning district.

(f) General Harmony

The variance shall be in harmony with the purpose of this ULDC and the Comprehensive Plan, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

402.163 Conditions and Safeguards

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards, including, but not limited to, reasonable time limits within which the action for which the requested variance shall be begun or completed.

402.164 Power to Grant Variances

Provided the proposed variance is consistent with the Comprehensive Plan and all other Chapters of this ULDC, the Board of Adjustment shall have the authority to grant variances to the following:

(a) Chapter 403 Zoning Districts

Variances from the following requirements contained in any zoning district, except the Planned Development (PD) zoning district, may be granted by the Board of Adjustment:

1. the minimum yard/setback requirements, lot width or lot depth; and
2. the maximum height or building coverage.

(b) Chapter 407 General Development Standards, Section 407.01(a) Principal Building on Lot

In cases of personal hardship, such as care for an aged or infirm family member, a secondary living unit may be approved by the Board of Adjustment as follows:

1. In the agriculture zoning district the secondary living unit may be either a mobile home or manufactured home.
2. Mobile homes or manufactured homes may be permitted in R-1C as a secondary living unit
3. The property that contains a secondary living unit shall not be subdivided so as to create two lots.
4. Conditions may be placed on the secondary living unit to require its removal at the termination of the hardship or require recertification of need after a specified time frame. Additionally, design conditions may be placed on the
- 5.4. unit to functionally integrate it with the principal building.

(c) Chapter 407 General Development Standards, Section 407.07

A variance to the maximum height requirement for subdivision boundary fences may be approved by the Board of Adjustment in accordance with the following:

1. The applicant must demonstrate unique conditions exist on the property warranting the need for a higher fence.

(d) Chapter 407 General Development Standards, Section 407.73(f)1

A variance to the public road frontage requirement may be approved by the Board of Adjustment for the first split of a parent tract or for a Family Homestead Exception granted in accordance with the requirements of Article 23 of Chapter 402 in accordance with the following:

1. The applicant must provide proof of access to a county maintained public road;
2. The applicant must demonstrate sufficient hardship exists; and
3. The private road must provide for minimum width, stabilization, and maintenance requirements as determined by the Public Works Department for the purpose of providing service delivery, particularly emergency services delivery.

402.165 Time limit for commencing construction

Where the Board of Adjustment has granted an approval of a variance pursuant to the provisions of this ULDC, such approval, grant, or permit shall become null and void unless any of the following is completed within two years of the date the approval was granted except for 402.164(b):

- (a) Application has been made for a building permit.

402.166 Limitations on Power to Grant Variances

(a) Use Variance Prohibited

The Board of Adjustment shall not grant a variance to permit a use that is not permitted under the terms of this ULDC in the zoning district in which the property affected by a variance is located, or any use expressly or by implication is prohibited by the terms of this ULDC.

(b) Variances to Conditions of Development Approvals

The Board of Adjustment shall not grant a variance to any condition of development approval that has been included within a development approval granted by the Board of County Commissioners or the Development Review Committee. An amendment to a condition of approval granted by the Board of County Commissioners or the Development Review Committee shall be approved only by that body.

(c) Use of Nonconforming Lands or Structures

The nonconforming use of neighboring lands, structures or buildings in the same zoning district, and the permitted use of lands, structures or buildings in any other district, shall not be deemed grounds for the granting of a variance.

Article 27 Vested Rights

402.167 Purpose

- (a) It is the specific purpose of this Article to implement the provisions relative to vested rights in Policy 7.1.15 of the Future Land Use Element and to provide for administrative procedures to ensure that nothing in the Comprehensive Plan or new land development regulations adopted to implement the plan:
 - 1. Limits or modifies the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to F.S. ch. 380 or the rights of any person who has been issued a final development order and development has commenced and is continuing in good faith; or
 - 2. Shall be construed as affecting validly existing vested rights that have been affirmatively demonstrated to meet the legal requirements of vested rights.
- (b) However, it is also the express intent of Alachua County to fully apply the provisions of the Comprehensive Plan and land development regulations to development and property in the unincorporated areas of the County without violating legally vested rights.

402.168 Definitions

As used in this Article:

(a) **Comprehensive Plan**

The Alachua County Comprehensive Plan.

(b) **Continuing in Good Faith**

The final development order for a project has not expired, and no period of one year passes without the occurrence, on the land, of development activity which significantly moves the proposed development toward completion of construction. However, a one year lapse in development activity due to factors beyond the developer's control shall not constitute a failure to continue in good faith.

(c) **Development Order**

Any order granting a building permit, construction permit, rezoning, subdivision approval, special use permit, special exception, variance, or any other official action by Alachua County having the effect of permitting the development of land.

(d) **Substantial Construction**

All required permits necessary to continue the development have been obtained; permitted clearing and grading has been completed on a significant portion of the development subject to a single final development order; and the actual construction of buildings or water and sewer lines, streets, or the stormwater management system has been completed on a significant portion of the development or is progressing in a manner that significantly moves the entire development toward completion of construction.

402.169 Statutory Vested Rights

In accordance with policy 7.1.15(a) of the Future Land Use Element of the Alachua County Comprehensive Plan, notwithstanding that all or some part of a development is inconsistent with the comprehensive plan or a new provision of the land development regulations that has been

adopted to implement the comprehensive plan, certain development determined to meet the requirements of this Section shall be vested pursuant to Florida Statutes. Such development may be completed despite the inconsistency of the development with the Comprehensive Plan or ULDC adopted to implement the Comprehensive Plan. Nothing in this Section shall be construed to create rights that otherwise do not exist, including authorization of any action that would pose an imminent peril to health, safety, or welfare, and any development covered by statutory vested rights as defined in this Section shall continue to be subject in all other respects to all laws, ordinances, rules, and regulations other than those based on the Comprehensive Plan or ULDC to implement the Plan with which it would be inconsistent if not covered by statutory vested rights. In addition, the development shall continue to be subject to all terms, conditions, requirements and restrictions contained in the development order that was the basis for the statutory vesting, and any substantial change, whether or not it is determined to be a substantial deviation requiring further development of regional impact review pursuant to F.S. § 380.06(f)5, shall be required to be consistent with the Comprehensive Plan.

(a) Developments

1. Developments meeting the following requirements shall be deemed to have statutory vesting pursuant to this section:
 - a. Developments of regional impact for which a development order has been approved pursuant to F.S. § 380.06 prior to the effective date of the Comprehensive Plan provision or implementing ULDC provision for which vesting is asserted, to the extent that the development is consistent with and authorized by the terms and conditions of the development of regional impact (DRI) development order and the DRI development order is valid and unexpired.
 - b. Other developments, for which:
 - i. A valid final development order in the form of a building permit, final development plan, subdivision plat, or final site plan, or phase thereof, or final development plan for a planned development or other development, or phase thereof, was issued as of the effective date of the Comprehensive Plan provision or implementing ULDC provision for which vesting is asserted;
 - ii. The development order has not expired; and
 - iii. Substantial construction in accordance with the development order has lawfully commenced within the time frames and expiration period specified in the development order, or within one year of issuance of the development order where no time frame or expiration is specified therein, and is continuing in good faith.
2. In all cases, where a final development order has been approved for only a phase of a larger proposed development, statutory vesting applies only to the phase or phases that have received final approval and for which construction has commenced in accordance with the criteria in this paragraph. Each statutory vesting determination also requires that all material requirements, conditions, limitations, and regulations of the development order have been met.

(b) Procedures for Implementation of Statutory Vested Rights

The procedures for implementation of statutory vested rights shall be as follows:

1. Any development that meets the requirements for statutory vested rights under paragraph (1) or (2) of subsection (a) of this Section shall not have a development order or permit to complete the development withheld on the grounds of inconsistency with the Comprehensive Plan or ULDC adopted to implement the Comprehensive Plan. The procedures for determination of whether such statutory vested rights apply are as follows:
 - a. An applicant for such a development order or permit within a development the applicant believes is covered by statutory vested rights shall, submit to the Director of the Alachua County Department of Growth Management documentation demonstrating that the requirements for statutory vesting are met;
 - b. If the Director verifies that the requirements for statutory vesting are met, then the development order or permit shall be issued consistent with the terms of this section. If the Director cannot verify that the requirements for statutory vesting under paragraph (1) or (2) of subsection (a) are met based on the documentation submitted, then the applicant shall be informed that the Director cannot confirm that statutory vested rights apply to the development and any development order or permit that is inconsistent with the ULDC or the Comprehensive Plan cannot be issued. The applicant shall also be informed that, if he or she disagrees with the Director's determination, the applicant may file an application for a statutory vested rights certificate in accordance with Section §402.169 of this Chapter.

402.170 Equitable Vested Rights

A person with a valid legal or equitable interest in land may request from Alachua County a determination of whether the person's right to complete a development on that land is vested pursuant to Policy 7.1.15(c) of the Future Land Use Element of the Comprehensive Plan, notwithstanding that all or some part of the development is inconsistent with a specified provision of the Comprehensive Plan or a new provision of ULDC that has been adopted to implement the Comprehensive Plan. It shall be the duty and responsibility of the person alleging equitable vested rights to demonstrate affirmatively the legal prerequisites of equitable vested rights based on the standards described in this Section. If the standards for equitable vested rights are determined to be met, then an equitable vested rights certificate shall be issued to confirm that the development may be completed despite the inconsistency of that development with the specified provision of Comprehensive Plan or ULDC adopted to implement the Comprehensive Plan. Nothing in this Section shall be construed to create rights that otherwise do not exist, including authorization of any action that would pose an imminent peril to the health and safety of the people of Alachua County, and any development for which an equitable vested rights certificate is issued shall continue to be subject in all other respects to laws, ordinances, rules, and regulations other than those covered by the equitable vesting certificate.

- (a) In assessing whether the requirements for equitable vested rights have been met, the following factors and guidelines shall be considered:

1. Those factors identified in Florida case law addressing equitable estoppel or vested rights, including the essential elements that a person with sufficient legal or equitable interest in real property:
 - a. Has relied in good faith;
 - b. Upon some act or omission of the government; and
 - c. Has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights to develop or continue to develop the property.
2. Statements made by county personnel without authority shall not support equitable vesting.
3. Omissions shall not support equitable vesting unless such omission was negligent or culpable and the county failed to act when it was under a legal duty to do so.
4. An act of the county upon which a person relied while such act was being contested in court or other hearing process shall not support equitable vesting.
5. Good faith reliance shall not include ignorance or unawareness of the law.
6. The following shall not be considered as a basis for equitable vested rights in and of themselves:
 - a. expenditures for legal and other professional services that are not related to the design or construction of improvements;
 - b. preexisting zoning contrary to the Comprehensive Plan;
 - c. expenditures related to a rezoning action;
 - d. taxes paid; and
 - e. expenditures for initial acquisition of the land not made in good faith reliance upon the act or omission of the government that is the basis for equitable vested rights.
7. Failure to comply with the material time requirements or other terms of a development order or this Chapter shall be presumed to negate a claim that the owner acted in good faith upon some act or omission of the county or that the development has continued in good faith.
8. Expenditures or obligations shall be presumed not to have been made or incurred in good faith, unless rebutted by substantial competent evidence, if they were made or incurred:
 - a. When a person misled the county; and
 - b. When the act of the county on which a person is relying has been invalidated or has expired and the person knew or should have known of such invalidity or expiration.
9. Other factors that shall be considered include:
 - a. Whether substantial construction in accordance with a valid final development order has occurred and is continuing in good faith; and

- b. Whether the obligations and expenses incurred cannot be substantially utilized in a development that is consistent with the Comprehensive Plan or ULDC adopted to implement the Plan.
- (b) Procedures for determination of equitable vested rights. The sole procedure for determining the existence of the equitable vested rights and obtaining an equitable vested rights certificate shall be as identified in §402.171.

402.171 Applications for Vested Rights Certificate

A person who believes he or she is entitled to a statutory vested rights certificate or an equitable vested rights certificate for a particular development may complete, execute and file an application for a vested rights certificate with the Director of the Department of Growth Management. The applicant shall simultaneously tender any application fees established by the Board for review of such applications.

(a) Application Filing Deadline

An application for determination of vested rights shall be filed within one year of the effective date of the Comprehensive Plan policies or ULDC for which vesting is asserted. As a further limitation, in the case of denial of a development order, or denial of a certificate of level of service compliance, when the denial is based on inconsistency with the Comprehensive Plan or the ULDC adopted to implement the plan, an application for determination of vested rights shall be filed within 21 days of the date of denial. The failure to file an application within the above time frames shall constitute an abandonment and waiver of any claim to statutory vested rights or equitable vested rights.

(b) Contents of Application

The application shall contain a sworn statement including information sufficient to enable a determination to be made whether the development is vested pursuant to either §402.169 or §402.170 of this Chapter. The applicant may submit any relevant supporting information, including development orders and permits, contracts, letters, appraisals, reports, inspection reports, or any other documents, dates and specific identification of development order or permit approvals, items or things upon which the application is based and a list of any development orders or permits denied on the grounds of inconsistency with the Comprehensive Plan or ULDC and the specific provision of the plan or regulation that was the basis for the denial. The Director may require the applicant to submit additional information to enable a determination to be made whether the development is vested. An incomplete or insufficient application shall be returned to the applicant for additional information. Until the proceedings to grant or deny the application are final (including the time during which judicial appeals are pending), the applicant shall have a continuing obligation to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances.

(c) Verification by and Continuing Obligation of Applicant

The applicant, or any agent or attorney for the applicant, shall verify the application in accordance with F.S. § 92.525(2), and sign a written declaration under penalty of perjury that he or she has read the application and relevant supporting information and that the facts stated in it are true to the best of his or her knowledge and belief. Until the proceedings to grant or deny the application are final (including the time

during which judicial appeals are pending), the applicant shall have a continuing obligation to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances.

(d) Report on Application

1. The Director or his or her designee shall review the application and any supporting or background information and shall consult with other county staff as he or she deems necessary or desirable including any county official who denied a development order or permit on the grounds of inconsistency with the Comprehensive Plan or ULDC to implement the plan, and the County Attorney, who shall provide counsel on issues of law. Within 45 days after receipt of a complete and sufficient application for a vested rights certificate, the Director shall either grant the certificate or transmit in writing to the applicant the reason or reasons for denial, including findings of fact and conclusions of law pertaining to the reason or reasons for denial. The certificate may be issued with conditions or limitations. The decision shall be mailed by U.S. mail, return receipt requested.
2. If the applicant is aggrieved by the action of the Director, he may notify the director in writing that he is appealing the Director's decision. The notification shall be delivered to the director no later than 30 days after the Director renders his or her decision on the application; otherwise, the applicant shall be deemed to have waived all rights to challenge the decision. (For purposes of this section, the term "renders" means the date of signature on the return receipt card accompanying the decision. However, in the event the certified mail is not accepted or is returned, the term "renders" means ten calendar days after the date the decision was signed by the Director.) The applicant shall also submit with the notification a list of the names and addresses of any witnesses whom the applicant shall present in support of the appeal and a summary of the testimony of each witness. Upon receipt by the Director of a timely notice of appeal, the appeal shall be assigned to a hearing officer, and a hearing on the appeal shall be held in accordance with the provisions of section 323.08 on a date no later than 90 days after receipt of the notice or at such other date as the hearing officer and parties may consent to. The Director shall file with the hearing officer the notice of appeal, information and a list of witnesses submitted by the applicant, any supporting or background information, and his or her written determination regarding the application. The applicant and the county shall equally share the cost of conducting the hearing, including the services of the hearing officer and legal stenographer.
3. Nothing in this Section or any other part of this Chapter prohibits the Director from reconsidering and reversing a denial of a statutory vested rights certificate or equitable vested rights certificate at any time prior to the start of the hearing before the hearing officer.

402.172 Vested Rights Certificate Binding on the Land

Any vested rights certificate issued pursuant to this Chapter shall inure to the benefit of and run with the land to which it applies, and is therefore transferable from owner to owner of the land subject to the certificate.

402.173 Limitation on Determination of Vested Rights

- (a) A determination of vested rights which grants an application for determination of vested rights shall expire and be null and void unless substantial construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan within two years after the date of issuance of the determination of vested rights or of the effective date of this section, whichever is later, and unless such substantial construction continues in good faith until project completion. Failure to obtain a building permit within two years after the issuance of the determination of vested rights under this Chapter shall render said vested rights to expire and become null and void.
- (b) If an applicant has failed to satisfy the above criteria or the deadlines or requirements incorporated in the vested rights determination, then the applicant may apply to the Director for a determination that it has in fact continued to develop in good faith since the date of the vested rights determination. Such subsequent determination will be limited solely to a consideration of applicant's development activities and other matters occurring since the date of the vested rights determination, in order to ascertain whether the applicant has continued in good faith to develop since the date of the vested rights determination. That determination shall be governed by the procedures for an initial vested rights determination under this Chapter.
- (c) All development granted a certificate of vested rights shall not substantially deviate from the terms and conditions upon which the certificate was granted, unless such a deviation is reviewed and approved by the Development Review Committee. Any deviation determined to be substantial by the Development Review Committee shall be subject to the concurrency requirements of the Comprehensive Plan, ULDC and approval by the Board of County Commissioners. Any substantial deviation constructed without prior county approval shall result in the forfeiture of the vested rights certificate and any vested rights claim.

402.174 Termination or Suspension of Vested Status

- (a) Notwithstanding anything in this Chapter to the contrary, subject to the requirements of paragraph (b) of this section, a valid and unexpired equitable or statutory vested rights certificate may be suspended or revoked upon a showing by Alachua County of an imminent peril to the health and safety of the people of Alachua County which did not exist or was unknown at the time the certificate was issued or at the time of the development order or act of the government on which the claim for vesting is based. In addition, vested rights certificate may be suspended or revoked upon a showing by Alachua County that the certificate was issued based upon false, inaccurate, misleading or incomplete information.
- (b) A valid and unexpired equitable or statutory vested rights certificate issued pursuant to this Chapter shall not be revoked prior to a hearing being held by the Board of County Commissioners. However, such certificate may be suspended prior to a hearing being held by the Board, provided the Board shall hold a hearing within 30 days after the suspension.

402.175 Savings Provision

If any part of this Article is held to be unconstitutional, it shall be construed to have the legislative intent to pass this Article without such unconstitutional part; and the remainder of this Article as to exclusion of such part shall be deemed and held to be valid as if such part had not been included herein.

DRAFT

Article 28 Appeal Procedures

402.176 Default Appeal Process

Except as listed in this Article, appeals of all development orders shall be by petition for writ of certiorari filed in the Circuit Court for Alachua County within 30 days of the date of the final development decision.

402.177 RESERVED

402.176 Development Plan Appeals

(a) Petition Filing Deadline

Any person with legal standing who wishes to challenge a final decision on a development plan, including a denial of an application for preliminary development plan approval, shall file a written petition for hearing, along with the appropriate fee, with the Department within 21 days from the date of final decision. A person with notice of a final decision on a development plan who fails to file a written petition for hearing within 21 days waives the right to request a hearing on such matters.

(b) Contents of Petition

The petition shall include a sworn statement of the particular bases for the challenge, the specific Comprehensive Plan or ULDC provisions alleged to be applied in error, and the different result which would occur if the appropriate provisions were correctly applied.

(c) Referral to Hearing Officer

Upon receipt by the Director of a timely petition for hearing, the matter shall be promptly assigned to an administrative law judge from the Division of Administrative Hearings or to an independent hearing officer selected by the County who has been a member of the Florida Bar in good standing for the past five years. The Director shall file with the hearing officer the petition for hearing and the minutes of the meeting that the final decision on a development plan was made. The decision making body may reconsider its decision at any time prior to the start of the administrative hearing.

(d) Hearing Procedures

The hearing shall be conducted within 90 days of referral to the hearing officer, unless otherwise mutually agreed by the parties. Hearings shall be open to the public and shall be advertised in a newspaper of general circulation not less than 15 days prior to the date of the hearing. The hearing shall be a de novo proceeding (a new evidentiary hearing). Venue shall be in Alachua County. The applicant and the County shall equally share the cost of conducting the hearing, including the services of the hearing officer and court reporter. The following state administrative Uniform Rules of Procedure, with modifications noted below, are hereby incorporated by reference and shall govern the hearing: Rules 28-106.102 (Presiding Officer); 28-106.103 (Computation of Time); 28-106.104(1) through (6) (Filing; except that "agency clerk" shall refer to the applicable County Department); 28-106.105 (Appearances; except that parties may represent themselves without counsel and without meeting the requirements of a "qualified representative"); 28-106.109 (Notice to Interested Parties); 28-106.110 (Service of Papers); 28-106.204

(Motions); ~~28-106.204 (Intervention); 28-106.206 (Discovery); 28-106.208 (Notice of Hearing; except that the County shall prepare and serve the notice); 28-106.209 (Prehearing Conferences); 28-106.211 (Conduct of Proceedings); 28-106.212 (Subpoenas); and 28-106.213 (Evidence), Florida Administrative Code.~~

~~(e) Burden of Proof~~

~~A person challenging a final decision on a development plan shall have the burden of demonstrating that the decision is inconsistent with the Alachua County Comprehensive Plan or this ULDC, that the decision-making body exceeded its authority, or that the decision is plainly erroneous or unreasonable. The decision-making body's decision shall be entitled to a presumption of correctness.~~

~~(f) Final Order~~

~~Within the later of 45 days after the conclusion of the hearing or 45 days after the filing of the hearing transcript, if one is ordered, the hearing officer shall issue a written final order upholding or reversing the final decision on a development plan. The original of the hearing officer's written decision shall be filed with the Director and the clerk to the Board of County Commissioners, and copies shall be mailed to the applicant and other parties to the hearing.~~

~~(g) Judicial Review~~

~~Any person aggrieved by a decision of a hearing officer under this Chapter may challenge the decision in the circuit court for the eighth judicial circuit, but only if the person has legal standing. The County qualifies as a person with standing to appeal. If the aggrieved person decides to challenge the decision, he or she shall file a petition for writ of certiorari with the clerk of the circuit court not later than 30 days after the decision of the hearing officer is filed with the clerk to the Board of County Commissioners. The record before the circuit court shall consist of the complete record of the proceedings before the hearing officer. No person may apply to a court for relief from the development decision unless the person has first exhausted the remedies provided herein.~~

~~(h) Effect of Challenges and Appeals~~

~~The timely filing of a petition for administrative hearing or action or appeal in a court of law, challenging a final decision on a development plan, shall have the effect of staying the development approval, unless the applicant furnishes the County with a properly executed waiver of claims, release from liability and hold harmless instrument, in a form approved by the County Attorney, that protects the County from liability for the issuance of further development permits for the project while the legal challenge is pending. No construction, building, or other development permits that depend upon the development approval shall be issued, unless the aforementioned waiver is provided.~~

~~402.177 Development Revocation~~

~~(a) Initiation of Revocation, Modification or Suspension of Development Approval~~

~~Development approval, including but not limited to rezonings, plats, site plans, development plans, certificates of level of service compliance for concurrency requirements, vested rights determinations, and construction and building permits, may be revoked, modified, or suspended by the Board of County Commissioners, at~~

~~a public hearing upon due public notice, when it has been demonstrated and found that the development approval was granted on the basis of a clear and material misrepresentation of fact by the applicant or on the basis of a clear and material error of law, or there has been clear and material noncompliance with the conditions for approval. A proposed action to revoke, modify, or suspend a development approval may only be initiated by county staff. Upon discovery of such an erroneous development approval or noncompliance or deficiency of development activity with respect to the development approval, the county shall notify the owner, developer and other responsible parties, such as the engineer of record, the contractor or any known holders of any mortgages, by certified mail within five working days of discovery of the error or deficiency. The responsible parties shall bear all risks and responsibility for any work undertaken after notification of the error or deficiency. Upon determining that the error or deficiency poses an immediate threat to public health or safety, the director of the agency granting the development approval shall have the power to authorize or issue stop work orders. The responsible parties shall respond to the error or deficiency notice by certified mail within 15 working days with a proposal for corrective action to remedy the error or deficiency. The county shall evaluate and respond to the responsible parties within 10 working days with either an acceptance of the responsible parties' proposal or with an alternative recommendation for corrective action. If the responsible parties' recommendation is not accepted within ten working days, the responsible parties shall have an additional 15 working days to negotiate an acceptable resolution with the county. If resolution cannot be reached, the county may proceed with revocation, modification, or suspension procedures as outlined in this section. At least 15 days prior to the public hearing before the Board, notice shall be provided by certified mail to the applicant for the development approval, all owners of record of property within the portions of the development approval to be revoked, and to other property owners to the same extent as was required for the subject development approval setting forth specific allegations to support the proposed action.~~

~~**(b) Petition Filing Deadline**~~

~~Any person with legal standing who wishes to challenge an action by the Board to revoke, modify, or suspend a development approval shall file a written petition for hearing, along with the appropriate fee, with the Department within 21 days from the date the Board took action and announced its final decision. A person with notice of the Board's decision who fails to file a written petition for hearing within 21 days waives the right to request an administrative hearing on such matters.~~

~~**(c) Contents of Petition**~~

~~The petition shall include a sworn statement of the particular bases for the challenge, the specific Comprehensive Plan or ULDC provisions alleged to be applied in error, and the different result which would occur if the appropriate provisions were correctly applied.~~

~~**(d) Referral to Hearing Officer**~~

~~Upon receipt by the Director of a timely petition for hearing, the matter shall be promptly assigned to an administrative law judge from the Division of Administrative Hearings or to an independent hearing officer selected by the County who has been a member of the Florida Bar in good standing for the past five years.~~

The Director shall file with the hearing officer the petition for hearing and the minutes of the Board meeting. The Board may reconsider its decision at any time prior to the start of the administrative hearing.

~~(e) Hearing Procedures~~

~~The hearing shall be governed by the procedures in §402.176(d), Development Plan Appeals, hereby incorporated by reference.~~

~~(f) Burden of Proof~~

~~A person challenging a decision of the Board to revoke, modify, or suspend a development approval shall have the burden of demonstrating that the decision is inconsistent with the Alachua County Comprehensive Plan or this ULDC, that the Board exceeded its authority, or that the decision is plainly erroneous or unreasonable. The Board's decision shall be entitled to a presumption of correctness.~~

~~(g) Final Order~~

~~Within the later of 45 days after the conclusion of the hearing or 45 days after the filing of the hearing transcript, if one is ordered, the hearing officer shall issue a written final order upholding or reversing the Board's decision. The original of the hearing officer's written decision shall be filed with the Director and the clerk to the Board of County Commissioners, and copies shall be mailed to the applicant and other parties to the hearing.~~

~~(h) Judicial Review~~

~~Appeals of the hearing officer's decision shall be governed by §402.176(g), Judicial Review on development plan appeals, hereby incorporated by reference.~~

402.178 Interpretation of the ULDC

(a) Petition Filing Deadline

Any person with legal standing who wishes to challenge an interpretation of the ULDC shall file a written petition for hearing, along with the appropriate fee, with the Department within 21 days from receipt of notice of the Director's interpretation. A person with notice of the Director's interpretation who fails to file a written petition for hearing within 21 days waives the right to request an administrative hearing on such matters.

(b) Contents of Petition

The petition shall include a sworn statement of the particular bases for the challenge, the specific Comprehensive Plan or ULDC provisions alleged to be applied in error, and the different result which would occur if the appropriate provisions were correctly applied.

(c) Referral to Hearing Officer

Upon receipt by the Director of a timely petition for hearing, the matter shall be promptly assigned to an administrative law judge from the Division of Administrative Hearings or to an independent hearing officer selected by the County who has been a member of the Florida Bar in good standing for the past five years. The Director shall file with the hearing officer the petition for hearing, request for interpretation, and the Director's written interpretation. The Director may

reconsider his or her decision at any time prior to the start of the administrative hearing.

(d) Hearing Procedures

The hearing shall be governed by the procedures in §402.01(a) of this Article, hereby incorporated by reference.

(e) Burden of Proof

A person challenging an interpretation of the Director shall have the burden of demonstrating that the decision is inconsistent with the Alachua County Comprehensive Plan or this ULDC, that the Director exceeded his or her authority, or that the decision is plainly erroneous or unreasonable. The Director's interpretation, if reasonable, shall be afforded great deference and shall be entitled to a presumption of correctness.

(f) Final Order

Within the later of 45 days after the conclusion of the hearing or 45 days after the filing of the hearing transcript, if one is ordered, the hearing officer shall issue a written final order upholding or reversing the Director's interpretation. The original of the hearing officer's written decision shall be filed with the Director and the clerk to the Board of County Commissioners, and copies shall be mailed to the applicant and other parties to the hearing.

(g) Judicial Review

Appeals of the hearing officer's decision shall be governed by ~~§402.177(h)~~ ~~§402.176(g)~~ of this Article, hereby incorporated by reference.

402.179 RESERVED

~~**402.179** Other Development~~

~~Appeals of all other final development decisions shall be by petition for writ of certiorari filed in the Circuit Court for Alachua County within 30 days of the date of the final development decision.~~

Article 29 Transfer of Development Rights Program

402.180 Purpose

It is the purpose of this article to implement the provisions of Section 9.0 Transfer of Development Rights Program, in the Future Land Use Element, as a tool that will protect the County's environmental resources and promote viable agriculture while encouraging efficient use of services and infrastructure within the Urban Cluster.

402.181 Applicability

Development rights may be sold or otherwise transferred in accordance with the provisions of this article to facilitate transfers of development rights from regulated conservation and viable agriculture areas (sending areas) to areas more suitable for development within the Urban Cluster (receiving areas). The County shall maintain a publicly accessible database of potential development rights for sale or transfer and completed transactions of transfers of development rights.

402.182 Establishment of Sending and Receiving Areas

(a) Sending Areas

1. Agricultural Sending Areas shall be defined as any legally created parcel or combination of contiguous parcels that meet the following criteria:
 - a. property has an approved agricultural classification from the Alachua County Property Appraiser;
 - b. property is located outside the Urban Cluster; and
 - c. property is ≥ 160 acres.
 - i. An exception to the size threshold may be permitted where the property is contiguous to a designated sending area;
 - ii. An exception to the size threshold may be permitted where the property is determined by the County to be of exceptional agricultural value based on factors such as the following:
 - a. Current agricultural use of the property,
 - b. Economic value of the use;
 - c. Types of soils;
 - d. Local marketing of products;
 - e. Sustainable farming practices such as low-loss irrigation and organic certification;
 - iii. If an exception to the 160 acre size threshold is granted, any agricultural sending area parcel or combination of contiguous parcels must still be a minimum of 40 acres in size.
2. Conservation Sending Areas shall be defined as any legally created parcel or combination of contiguous parcels that meet the following criteria:
 - a. property contains Strategic Ecosystems or is on the Alachua County Forever (ACF) active acquisition list; and
 - b. property is ≥ 160 acres.
 - i. An exception to the size threshold may be permitted where the property is contiguous to a designated sending area; or

- ii. An exception to the size threshold may be permitted where the property is contiguous to a 160 acre or larger property designated as a Strategic Ecosystem or on the Alachua County Forever active acquisition list.
- iii. An exception to the size threshold may be permitted where the property is contiguous to an established Preservation area or an equivalent property designated on the Future Land Use Map of any adjacent jurisdiction or any other public park or preserve established for the purpose of preserving natural habitats.
- iv. An exception to the size threshold may be permitted where the property is determined by the County to contain critical resources and ecological value based on ground-truthing of the property.
- v. If an exception to the 160 size threshold is granted, any conservation sending area parcel or combination of contiguous parcels must still be a minimum of 40 acres in size.

(b) Receiving Areas

1. Any nonresidential development in the unincorporated area may become a receiving area through the purchase of development rights in order to reduce the amount of open space required on the development site, at a transfer rate of 10 development rights per acre of reduced open space. Mixed use areas shall use the same transfer rate proportionate to the amount of non-residential use in the development.
2. Any proposed amendment to expand the Urban Cluster must include a commitment to purchase development rights at a rate of two development rights per unit of proposed increase in density for residential or a rate of 10 development rights purchased per acre of non-residential land uses created.
3. Additional receiving areas may be established within municipalities through interlocal agreements. These agreements shall address development right purchasing procedures including the required rate of transfer.

402.183 Calculating Development Rights and Residual Uses

(a) Calculation of Transferable Development Rights

1. Development rights available for transfer shall be equal to the lesser of the following, minus the residual units not to be included in the transfer:
 - a. number of residential units otherwise allowed on the sending area property; or
 - b. number of upland acres on the sending area property.
2. As an incentive to transfer development rights away from a sending property, a total of 2 development rights in addition to the number of rights granted through the calculations identified above are allowed, plus one additional right per every 10 acres of conservation area on site and one additional right per every 20 acres of non-conservation area on site.

(b) Residual Uses

1. Agriculture – Residential densities of up to one dwelling unit per 40 acres may be retained in the sending area and continuation of agricultural uses in

accordance with the most recent best management practices (BMPs) adopted by the State. When a portion of the property contains mapped conservation areas, Conservation Sending Area residual guidelines apply.

2. Conservation – Residential densities of up to one dwelling unit per 200 acres may be retained on the sending parcel where consistent with a Conservation Management Plan.
 - a. Higher densities of up to one dwelling unit per 40 acres may be proposed where it can be demonstrated that there is no impact on resource protection and where consistent with a Conservation Area Management Plan to be developed consistent with ULDC Chapter 406 Article 17, Conservation Management Areas and Article 20, Management Plans.
 - b. The amount of density to be retained shall be based on what is necessary to protect the integrity of the ecological system and conservation resources.
 - c. Continuation of agricultural uses is allowed in accordance with the most recent best management practices (BMPs) adopted by the State.
 - d. Residual units shall be developed in a clustered pattern to protect the integrity of the environmental resources on and adjacent to the site. Alternative design patterns may be considered if it can be demonstrated that an alternative layout and design protects the integrity of the resources and has less impact than a typical clustered pattern based on site characteristics and location, access issues, previous site impacts, and historic uses.
 - e. If the property is less than 200 acres existing homesteaded units may still be retained.
3. Development Plan approval by the Development Review Committee is required for development of the residual units. Development may not occur until the parcel has been rezoned to Ag-TDR or C-TDR as required by Section 402.185(a)3 below. The entire planning parcel, defined as the original parcel rezoned to a TDR sending district, must be used for determining development and placement of residual units.

402.184 Application for and Issuance of a Transfer of Development Rights Certificate

(a) Application for a Transfer of Development Rights Certificate

A potential sending property applicant shall submit an application for a Transfer of Development Rights Certificate. That application shall include the following:

1. Authority to submit an application, in a form approved by the County Attorney;
2. Legal description of the property;
3. Natural Resources assessment;
4. Statement of how the property qualifies as a sending parcel as consistent with the Comprehensive Plan and Section 402.182(a) above;
5. A statement of the number of development rights proposed for transfer from the sending parcel and calculations showing their determination;

6. Applicable fees; and
 7. Such additional information as may be required by the Director as necessary to determine the number of development rights that qualify for transfer.
- (b) Issuance of a Transfer of Development Rights Certificate**
1. Once the potential development rights for transfer have been calculated and an application for a Certificate has been approved, the Director shall issue a Transfer of Development Rights Certificate containing the following information:
 - a. Name of the Transferor;
 - b. A legal description of the sending parcel;
 - c. A statement of the number of development rights available for transfer;
 - d. A statement of the remaining development rights on the sending parcel;
 - e. A general description of the potential area for development of the remaining units, and
 - f. the date of issuance of the Certificate.
 2. Alternate Review by the Development Review CommitteeThe Growth Management Director's determination, as shown on the Transfer of Development Rights Certificate, shall become final within 30 days of the date of determination. Alternatively, the applicant may submit an application to the Development Review Committee for a Preliminary Development Plan Review for Transfer of Development Rights Determination within 30 days of the Growth Management Director's determination. The Director's determination shall then become void and the DRC shall consider the matter anew and make the final decision on the application.
- (c) Authority to Transfer Development Rights**
1. Each transferor granted a Transfer of Development Rights Certificate shall have the authority to sever all of the development rights (minus the residual uses) from the parcel in a sending district and to sell or otherwise transfer those rights to a transferee in a receiving district consistent with Section 402.185 below.
 2. The transferee may apply the rights to a property in the receiving area in accordance with Section 402.185(c) below.
 3. Any transfer of development rights pursuant to this ordinance authorizes only a reduction in open space or is fulfilling a requirement of an application to expand the Urban Cluster. Development standards of the receiving district shall not otherwise be altered or waived including standards for stormwater, landscaping, floodplains, wetlands, or other environmentally sensitive areas.

402.185 Transfer of Development Rights

(a) Development Rights Eligible for Sale or Transfer

Prior to the development rights contained in the Transfer of Development Rights Certificate being eligible for sale or transfer to a receiving property, the owner of the sending property shall:

1. record a perpetual easement for conservation or agricultural purposes on the sending property in a form acceptable to and enforceable by the County and submit a copy to the Growth Management Department;
2. for sending properties retaining densities of one unit per 200 acres or greater, develop and submit for approval a Conservation Management Area Plan in accordance with ULDC Chapter 406 Article 17, Conservation Management Areas and Chapter 406 Article 20, Management Plans Conservation; and
3. submit an application for a rezoning of the property to a sending area zoning designation;

(b) Sale of Development Rights - Instruments of Transfer

An instrument of transfer must be completed and notarized prior to the transfer of development rights from a sending parcel to a receiving parcel. This instrument shall contain the following information:

1. The names of the transferor and transferee;
2. A legal description of the sending and receiving parcels;
3. A statement that the transferor grants to the transferee and the transferee's heirs, assigns, and successors, a specific number of development rights from the sending parcel to the receiving parcel and the method by which the rights will be sold or transferred to the receiving parcel;
4. A statement that the transferor acknowledges he has no further right of use with respect to the rights being transferred;
5. Any other relevant information as required by the Director to establish that rights have been transferred.

(c) Use of Transferred Development Rights by a Receiving Property

1. Open Space Reduction

Purchasers of Development Rights seeking to reduce the open space requirements for a proposed development shall submit a Development Plan in accordance with Article 10, Development Plan Review and with the following additional information:

- a. completed and notarized Instrument of Transfer as described in §402.184(b)1 above; and
- b. proof of purchase of the development rights.

2. Comprehensive Plan Amendment to expand the Urban Cluster

For applications to expand the Urban Cluster, the applicant shall submit the Comprehensive Plan Amendment application in accordance with Article 7, Comprehensive Plan Amendment with the following additional information:

- a. completed and notarized Instrument of Transfer as described in 402.184(b)1 above;
- b. proof of contract to purchase development rights; and
- c. prior to the adoption hearing for the amendment, the receiving property owner shall provide proof of purchase of the development rights.

(d) Rezoning of Sending Parcel

Once proof that a property owner has sold their development rights has been submitted to the County, the County shall process a rezoning to a TDR zoning district on the sending parcel.

DRAFT