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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2022-
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE 40, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 404 USE REGULATIONS; RELATED TO ARTICLE XVI, OVERNIGHT ACCOMMODATIONS (NEW SEC. 404.72 FARM STAY); PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make amendments to the Alachua County Code of Ordinances Part III, Unified Land Development Code, relating to development of land in Alachua County; and

WHEREAS, the Board of County Commissioners, acting as the Land Development Regulation Commission, has determined that the land development regulations that are the subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

1 WHEREAS, a duly noticed public hearing was conducted on such proposed amendment
2 on September 27, 2022 by the Board of County Commissioners, with the hearing being held after
3 11:30 a.m.; and,

4 WHEREAS, a duly noticed public hearing was conducted on such proposed amendment
5 on October 25, 2022 by the Board of County Commissioners, with the hearing being held after 5
6 o'clock p.m.;

7 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
8 ALACHUA COUNTY, FLORIDA:

9 Section 1. Legislative Findings of Fact. The Board of County Commissioners of
10 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of
11 this ordinance are true and correct.

12 Section 2. Unified Land Development Code. The Unified Land Development Code of
13 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and
14 attached hereto.

15 Section 3. Modification. It is the intent of the Board of County Commissioners that the
16 provisions of this ordinance may be modified as a result of considerations that may arise during
17 public hearings. Such modifications shall be incorporated into the final version of the ordinance
18 adopted by the Board and filed by the Clerk to the Board.

19 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
20 are, to the extent of the conflict, hereby repealed.

21 Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
22 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time

1 as the Development Regulations of Alachua County are codified, the provisions of this ordinance
2 shall become and be made part of the Unified Land Development Code of Alachua County,
3 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such
4 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
5 designation. The correction of typographical errors that do not affect the intent of the ordinance
6 may be authorized by the County Manager or designee, without public hearing, by filing a
7 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

8 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
9 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
10 affect public health, safety, or welfare.

11 Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is
12 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
13 portion shall be deemed a separate, distinct and independent provision, and such holding shall
14 not affect the validity of the remaining portions thereof.

15 Section 8. Effective Date. A certified copy of this ordinance shall be filed with the
16 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
17 after enactment by the Board of County Commissioners, and shall take effect upon filing with
18 the Department of State.

1 DULY ADOPTED in regular session, this 25th day of October, A.D., 2022.

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5 BOARD OF COUNTY COMMISSIONERS OF
6 ALACHUA COUNTY, FLORIDA
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8 By: _____
9 _____, Chair

10 ATTEST:

11 _____ APPROVED AS TO FORM

12 J.K. Irby, Clerk Esq.
13

14 _____
15 (SEAL) Alachua County Attorney
16

17 DEPARTMENT APPROVAL

18 AS TO CORRECTNESS
19

20 _____

21 Department of Growth Management

22 Authorized Designee
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EXHIBIT A: ULDC CODE REVISION LANGUAGE

Sec. 404.72. – Farm Stay.

A farm stay is allowed as a limited use in the A, RE, RE-1, R-1a, R-1aa, R-1b, R-1c districts, subject to the following standards and DRC approval.

- a. *Aq Classification Status.* Evidence of current agricultural classification status by the Alachua County Property Appraiser is required for all zoning districts except A.
- b. *Minimum lot size.* The minimum lot size shall be 5 acres.
- c. *Owner occupancy required.* The owner of the farm stay shall reside on or adjacent to the premises.
- d. *Number of lodging units.* The farm stay shall have no more than four (4) units for rental lodging purposes. Each lodging unit shall be limited to a maximum of six (6) guests.
- e. *Type of lodging units.* Lodging units may be tent spaces, RV spaces or camping cabins. Unserviceable RVs are prohibited. Camping cabins shall be no more than 400 sq. ft. with a minimum of 50 sq. ft. per occupant and constructed in compliance with the Florida Building Code and Florida Fire Prevention Code.
- f. *Setbacks.* All recreational vehicle spaces, camping cabin spaces, tent spaces and the central sanitation facility shall be located a minimum of fifty (50) feet from any property line. Setbacks between lodging units shall comply with the Florida Fire Prevention Code.
- g. *Access.* The farm stay shall have direct access to a public or private road meeting County standards for sufficient right-of-way, minimum width, stabilization requirements, and maintenance. For private roads, a road maintenance agreement may be required as part of the Development Plan approval process. An access road shall be provided to each cabin or RV site in accordance with the Florida Fire Prevention Code. RV and cabin sites must have a stabilized surface access road within fifty (50) feet of an exterior door. Access roads over 150 feet in length must have a turnaround approved by the Fire/Rescue Department.
- h. *Sanitation.* A unified plan for water distribution and wastewater disposal meeting the requirements of the health department shall be required as part of any application for a farm stay. No lodging unit shall be served by an individual well or septic tank.
- i. *Permanent residence prohibited.* Residence in any recreational vehicle space, camping cabin or tent within a farm stay is restricted to ninety (90) consecutive days, and a maximum of one hundred eighty (180) calendar days during any one-year period.
- j. *Farmworker housing.* Farm stays may not be used for farmworker housing purposes.