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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2021-
(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 ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 400 GENERAL PROVISIONS, CHAPTER 402 DEVELOPMENT APPLICATION REVIEW PROCEDURES, CHAPTER 404 USE REGULATIONS, CHAPTER 406 NATURAL AND HISTORIC RESOURCES PROTECTIONS, CHAPTER 407 DEVELOPMENT STANDARDS AND CHAPTER 410 DEFINITIONS; RELATED TO IMPLEMENTATION OF THE COUNTY GROWTH MANAGEMENT AREA AS PROVIDED IN SECTION 1.5 OF THE ALACHUA COUNTY HOME RULE CHARTER; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; SEVERABILITY; 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 Community Planning 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

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

4 WHEREAS, Alachua County established a charter form of government pursuant to the
5 provisions of Chapter 125, Part IV, Florida Statutes, effective January 1, 1987; and

6 WHEREAS, the Board of County Commissioners adopted an ordinance to approve the
7 Alachua County Home Rule Charter (“Charter”) on September 9, 1986 and the Charter was
8 approved by a majority of all voters voting in the special election held as part of the general
9 election on November 4, 1986; and

10 WHEREAS, Article VIII, Section 1(g), Florida Constitution, provides that Charter
11 Counties have all powers of local self-government not inconsistent with general law; and,

12 WHEREAS, the Community Planning Act Section 163.3171(2) provides that a chartered
13 county may exercise authority under the Community Planning Act over municipalities or
14 districts within its boundaries as is provided for in its charter; and

15 WHEREAS, through the approval of an amendment to the Alachua County Home Rule
16 Charter on November 3, 2020, the voters of Alachua County, Florida elected to establish a
17 “County Growth Management Area”, within which the Alachua County Comprehensive Plan
18 and land development regulations exclusively govern the development of land regardless of
19 whether some or all of the lands lying within the County Growth Management Area are located
20 within or subsequently annexed into a municipality; and

21 WHEREAS, Section 1.5.B(3) of the Alachua County Home Rule Charter authorizes the
22 Board of County Commissioners to adopt ordinances to implement the Charter provisions for the
23 County Growth Management Area; and

1 WHEREAS, the Board of County Commissioners has determined that the land
2 development regulations that are the subject of this ordinance are consistent with Section 1.5 of
3 the Alachua County Home Rule Charter; and,

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

7 WHEREAS, a duly noticed public hearing was conducted on such proposed amendment
8 on August 24, 2021 by the Board of County Commissioners, and such hearing was continued to
9 September 28, 2021 at a time certain.

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 ALACHUA COUNTY, FLORIDA:

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

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

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

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

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

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

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

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

1 DULY ADOPTED in regular session, this 28th day of September, A.D., 2021.

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

9 Ken Cornell, Chair

10 ATTEST:

11 _____ APPROVED AS TO FORM

12 Jesse K. Irby II, Clerk
13

14 _____

15 (SEAL)

Alachua County Attorney

16
17 DEPARTMENT APPROVAL

18 AS TO CORRECTNESS
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20 _____
21 Department of Growth Management

22 Authorized Designee
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1 EXHIBIT A

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3 **Sec. 400.03. - Application jurisdiction.**

4 Unless otherwise provided in this ULDC, all applicable standards and requirements shall apply to
5 all structures and uses permitted within the unincorporated area of the County, inside the County
6 Growth Management Area consistent with Sec. 400.03.05, as well as to ~~and~~ newly annexed areas
7 until the municipality amends its Comprehensive Plan to include the annexed areas and the
8 amendments are in effect.

9 **Sec. 400.03.05 – County growth management area.**

10 Consistent with County Charter Section 1.5.B, the development of lands within the County Growth
11 Management Area shall be exclusively governed by the Alachua County Comprehensive Plan and
12 land development regulations.

13 (a) Applications for development orders on land that is contained within both a municipal
14 boundary and the County Growth Management Area shall be subject to the following
15 procedures:

16 a. The municipality shall retain the authority to process such applications in
17 accordance with its development review procedures.

18 b. Such applications shall be consistent with the Alachua County Comprehensive Plan
19 and the standards of this ULDC. The director of the Alachua County Department
20 of Growth Management shall have the authority to make interpretations as to
21 whether such development order applications are consistent with the Alachua
22 County Comprehensive Plan and the standards of this ULDC.

23 c. Municipalities or property owners shall notify the County Growth Management
24 Department of any applications for development orders within 10 days of the City's
25 receipt of the application and prior to any hearing or administrative decision on the
26 application. Notice shall consist of adequate information for the County to
27 determine consistency of the application with the Alachua County Comprehensive
28 Plan and this ULDC.

29 **Sec. 402.167. - Purpose.**

30 (a) It is the specific purpose of this Article to implement the provisions relative to vested rights
31 in Policy 7.1.15 of the Future Land Use Element and to provide for administrative
32 procedures to ensure that nothing in the Comprehensive Plan or new land development
33 regulations adopted to implement the Plan:

34 (1) Limits or modifies the rights of any person to complete any development that has
35 been authorized as a development of regional impact pursuant to F.S. Ch. 380 or
36 the rights of any person who has been issued a final development order and
37 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 this ULDC to development and property ~~in the unincorporated areas of the County~~ without violating legally vested rights.

Sec. 404.09. - Agricultural uses.

Agricultural uses are permitted by right in the A and A-RB districts, and are allowed as limited uses in all other districts only on properties of one acre or more, except as otherwise prohibited in Section 404.13 for raising of poultry and livestock on less than five acres. Growing and processing of all other agricultural products for personal use is permitted on any property ~~in the unincorporated area.~~

Sec. 404.108. – Docks.

Private docks are allowed as limited uses ~~in the unincorporated area~~, provided the following conditions are satisfied:

Sec. 406.59. - General standards.

The following generally applicable requirements of the Alachua County Code of Ordinances contribute to protection of springs and high aquifer recharge areas ~~throughout the unincorporated portion of Alachua County:~~

Sec. 406.61. - Delineation of protection zones for public systems.

(c) *Fixed zones of protection.* Except as otherwise expressly provided for a specific wellfield, the following zones of protection are established for each public water system ~~in the unincorporated area of Alachua County.~~ A map of public water supply wells shall be maintained and updated by the Environmental Protection Department.

Sec. 406.65.5. - Territorial jurisdiction; administration in incorporated areas.

The terms and provisions of this Article apply to all real property ~~lying within the incorporated and unincorporated areas of Alachua County, Florida,~~ located within the boundaries of the St. Johns River Water Management District. Where incorporated areas regulate construction, modification, and abandonment of wells, Alachua County will coordinate registration activities.

~~Sec. 406.70.5. – Territorial jurisdiction.~~

~~The terms and provisions of Sections 406.71 through 406.75 shall apply to all real property lying within the incorporated and unincorporated areas of Alachua County, Florida.~~

1 **Sec. 407.11. - Use Of Public Rights-Of-Way And Obstruction To Vision At Road**
2 **Intersections.**

- 3 (d) *Use of public rights-of-way.* The sale, storage, or display of merchandise or goods within
4 any public right-of-way ~~within the unincorporated area of Alachua County~~ is prohibited.

5 **Sec. 407.26. - Applicability.**

6 Unless otherwise provided, this Article shall apply to all signs erected, placed, constructed,
7 painted, installed, or maintained ~~in unincorporated Alachua County~~. However, this Article does
8 not apply to the following:

9 **Sec. 407.27. - Construction and interpretation.**

- 10 (e) All signs erected, placed, constructed, painted, installed, or maintained ~~in unincorporated~~
11 ~~Alachua County~~ shall require a sign permit unless otherwise exempted by this Article. In
12 all applications for permits where a matter of interpretation under this article arises, the
13 most restrictive interpretation shall prevail in order to carry out the purpose of this Article.
14 This Article shall otherwise be interpreted liberally in order to carry out and accomplish its
15 purpose.

16 **Sec. 407.91. - Standards.**

- 17 (d) *Compliance with article.* All stormwater management systems ~~in the unincorporated~~
18 ~~portions of Alachua County~~ shall be designed and maintained in accordance with the
19 provisions of this article.

20 **Sec. 407.128. - Purpose.**

21 It is the purpose of this chapter to provide criteria for the management of access onto public streets
22 in the unincorporated portions of Alachua County, within the County Growth Management Area
23 consistent with Sec. 400.03.5, and on county roads within the municipalities. It is not the intent
24 of this chapter to conflict with or duplicate the access management permitting program for state
25 highways as outlined in the FDOT Access Management Classification System and Standards as
26 established in Chapter 14-97, Florida Administrative Code, for connections to the state highway
27 system. References to arterial and collector roadways in this Article include future arterial and
28 collector roadways on the Future Highway Functional Classification Map. It is further the purpose
29 of this chapter to implement the following policies contained in the transportation mobility element
30 of the Comprehensive Plan: policy 1.1.3, 1.1.9, 1.2.2, and 1.2.3.
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32 **CHAPTER 410. – ARTICLE III. - DEFINED TERMS**

33 County Growth Management Area – The area established by County Home Rule Charter Section
34 1.5.B as such may be amended from time to time.
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