

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED “CONSTRUCTION AND USE OF CODE”; CREATING SECTION 10.12 OF THE ALACHUA COUNTY CODE, ENTITLED “PUBLIC NOTICE AND LEGAL ADVERTISEMENTS”; AMENDING CHAPTER 324 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED “CLOSING, ABANDONING STREETS, ALLEYWAYS, ROADS, HIGHWAYS”; AMENDING CHAPTER 402 OF THE ALACHUA COUNTY UNIFIED LAND DEVELOPMENT CODE, ENTITLED “DEVELOPMENT APPLICATION REVIEW PROCEDURES CONTENTS”; AMENDING CHAPTER 410 OF THE ALACHUA COUNTY UNIFIED LAND DEVELOPMENT CODE, ENTITLED “DEFINITIONS”; ALLOWING FOR THE USE OF A PUBLICLY ACCESSIBLE WEBSITE FOR PUBLIC NOTICE AND LEGAL ADVERTISEMENTS; PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 50, Florida Statutes, Legal and Official Advertisements, provides that, effective January 1, 2023, a governmental agency may publish certain statutorily required legal advertisements, publications, or notices on the publicly accessible website of the county in which it lies if doing so would cost less than publishing legal notices in a newspaper; and

WHEREAS, the County intends to publish statutorily required advertisements, publications, and notices on a publicly accessible website to the extent authorized by state law; and

WHEREAS, various county ordinances, resolutions, board policies, and administrative procedures require official or legal advertisement, publication, or notice in a newspaper; and

WHEREAS, the Board of County Commissioners desires to amend the Code of

1 Ordinances to allow advertisements, publications, or notices that are currently required to be
2 published in a newspaper by county ordinance, resolution, board policy, or administrative
3 procedure, to instead be published on a publicly accessible website; and

4 **WHEREAS**, the Board of County Commissioners has determined that the cost of
5 publishing legal advertisements and public notices on the publicly accessible website of the
6 county is less than the cost of publishing legal advertisements and public notices in a newspaper.

7 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
8 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

9
10 **SECTION 1.** Section 10.02 of the Alachua County Code of Ordinances, entitled “Rules
11 of construction and definitions” is hereby amended as follows:

12 **10.02 – Rules of construction and definitions**

13 Newspaper. The word newspaper, including any requirements to publish notice or
14 advertisement in a newspaper, includes publishing and advertising on a “publicly accessible
15 website.”

16 Publicly accessible website. The term “publicly accessible website” means the County’s
17 official website or other private website designated by the County for the publication of legal
18 notices and advertisements that is accessible to the public via the Internet, pursuant to Chapter
19 50, Florida Statutes.

20
21 **SECTION 2.** Section 10.12 of the Alachua County Code of Ordinances, entitled “Public
22 Notice and Legal Advertisements” is hereby created as follows:

23 **Sec. 10.12– Public Notice and Legal Advertisements**

24 (a) Whenever, by County Code, ordinance, resolution, board policy, or administrative

1 order, an official or legal advertisement, publication, or notice in a newspaper is
2 directed or required, such advertisement, publication, or notice may be published on a
3 publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of
4 newspaper publication.

5 (b) A link to advertisements, publications, and public notices published on a publicly
6 accessible website must be conspicuously placed on the homepage of the County's
7 official website.

8 (c) All advertisements and public notices published on a publicly accessible website as
9 provided in this article must be in searchable form and indicate the date on which the
10 advertisement or public notice was first published on the website.

11
12 **SECTION 3.** Section 324.02 of the Alachua County Code, entitled "Procedure" is
13 hereby amended as follows:

14 **Sec. 324.02. Procedure.**

15 Before any street, alleyway, road, highway, or portion thereof, as described in section
16 324.01, shall be closed and vacated, or before any right or interest of the county or the
17 public in any land delineated on any recorded map or plat as a road shall be renounced
18 and disclaimed, the procedure set forth below shall be followed:

19 (1) The board of county commissioners, in its own discretion and of its own
20 motion, may initiate action to exercise authority under section 324.01 by adopting
21 a resolution declaring that, at a definite time and place, a public hearing will be
22 held to consider the advisability of exercising authority under section 324.01. The
23 board shall then authorize advertisement of a public hearing in accordance with
24 subsection (6) below.

1 (2) Any party as described in section 324.01, other than Alachua County,
2 requesting that Alachua County close any public or private street, alleyway, road,
3 highway, or portion thereof as described in section 324.01, shall make application
4 to the county at the office of Alachua County Codes Enforcement, or at the
5 Alachua County Public Works Department, or may request an application form by
6 mail from the Alachua County Public Works Department.

7 (3) The applicant shall provide the information requested on the application
8 form provided by the county and shall deliver the executed application form to the
9 public works department for review as to completeness. A filing fee to cover the
10 actual costs for title work, advertising, recording, and other related costs must be
11 paid and returned as part of the application. The filing fee shall be set by
12 resolution of the board of county commissioners.

13 (4) Upon receiving the application and filing fee, the public works department
14 shall investigate the application, title work, and related plats, survey, and
15 regulations, and prepare a written recommendation on the application to the board
16 of county commissioners through the development review committee. The public
17 works department will notify the applicant of the recommendation.

18 (5) If a negative recommendation is made regarding an application, the
19 applicant shall have the option to accept the recommendation and be refunded his
20 or her application fee, less costs incurred to date, and the application shall be
21 deemed denied; or the applicant may request a public hearing before the board of
22 county commissioners on the negative recommendation without any refund of the
23 application fee.

24 (6) If there is a favorable recommendation on an application or if an applicant

1 wishes to proceed on an unfavorable recommendation as provided for in
2 subsection (4), the board of county commissioners may adopt a resolution
3 declaring that, at a definite time and place, a public hearing will be held to
4 consider the matter. The board of county commissioners shall authorize
5 advertisement of a notice of public hearing, which notice shall be published one
6 time in a newspaper of general circulation within Alachua County or published on
7 the County's publicly accessible website, pursuant to section 10.12 of the Alachua
8 County Code and Chapter 50, Florida Statutes. The publication shall appear at
9 least two weeks prior to the date of such hearing. The applicant shall also be
10 notified in writing of the date, time, and place of the public hearing.

11 (7) At the time of the hearing, proof of publication of the notice of public
12 hearing shall be filed with the board. A copy of the written application of any
13 agency of the state or of the federal government or of any person requesting the
14 closure of the road, street, alleyway, or highway shall be spread upon the minutes
15 of the board of county commissioners.

16 (8) At the public hearing, the board shall hear all interested parties. If the
17 board determines that closing the road, street, alleyway, or highway is in the best
18 interest of the public welfare and will not be injurious to the public welfare or
19 violate individual property rights, the board may adopt a resolution closing the
20 same. The adopted resolution shall be entered upon the minutes of the board of
21 county commissioners. Notice of the adoption of the resolution by the board of
22 county commissioners shall be published one time, within 30 days following its
23 adoption, in one issue of a newspaper of general circulation published in Alachua
24 County or published on the County's publicly accessible website, pursuant to

1 section 10.12 of the Alachua County Code and Chapter 50, Florida Statutes. The
2 proof of publication of the notice of public hearing, the resolution as adopted, and
3 proof of publication of the notice of the adoption of the resolution shall be
4 recorded in the deed records of Alachua County. The subject closing shall not
5 become effective until the adopted resolution and proofs of publication have been
6 recorded as required above.

7
8 **SECTION 4.** Section 402.12 of the Alachua County Unified Land Development Code,
9 entitled “Types of public notice” is hereby amended as follows:

10 **Sec. 402.12 – Types of public notice.**

11 Forms of notice required for various public hearings may include mailed notice,
12 published notice provided via a newspaper of general circulation or via the County’s
13 publicly accessible website, pursuant to Chapter 50, Florida Statutes, and posted notice
14 by signs located on the subject property. Neighborhood workshops, in accordance with
15 the procedures of Article V, Neighborhood Workshops, of this Chapter, provide
16 additional notice to the public regarding certain types of development applications. The
17 public notice requirements for development applications are indicated in Table 402.12.1.

18
19 **SECTION 5.** Section 402.15 of the Alachua County Unified Land Development Code,
20 entitled “Procedure for published notice” is hereby amended as follows:

21 **Sec. 402.15. Procedure for published notice.**

22 (a) *Preparation of content and publishing.* The department shall prepare the
23 content of the notice and be responsible for publishing the notice in the newspaper
24 of general circulation selected by the County or on a publicly accessible website

1 designated by the County for the publication of legal notices and advertisements
2 that is accessible to the public via the Internet, pursuant to Chapter 50, Florida
3 Statutes.

4 (b) *Content and form of notice.*

5 (1) For published notice required by F.S. § 125.66 or F.S. § 163.3184,
6 the standards of those sections shall apply. In addition, the notice shall
7 contain the information as required by Section 402.13 of this ULDC.

8 (2) For other published notices required by Table 402.12.1 the
9 following standards shall apply:

10 a. The title of the advertisement shall be "Notice of Public
11 Hearing";

12 b. Content of the advertisement shall include information as
13 required in Section 402.13 of this ULDC; and

14 c. The advertisement shall be published no less than seven (7)
15 days prior to the date of the public hearing.

16 (3) The form of the published notice shall comply with the
17 requirements of Chapter 50, Florida Statutes.

18
19 **SECTION 6.** Section 402.17 of the Alachua County Unified Land Development Code,
20 entitled "Neighborhood workshop" is hereby amended as follows:

21 **Sec. 402.17. Neighborhood workshop.**

22 (a) *Purpose.* The purpose of a neighborhood workshop is to ensure early
23 citizen participation in an informal forum in conjunction with development
24 applications, and to provide an applicant the opportunity to understand and try to

1 mitigate any impacts an application may have on an affected community. These
2 workshops ensure that citizens and property owners have an adequate opportunity
3 to learn about applications that may affect them and to work with the applicant to
4 resolve any concerns at an early stage of the process. A neighborhood workshop
5 is not intended to produce complete consensus on all applications, but to
6 encourage applicants to be good neighbors and to allow for informed decision
7 making. If an applicant fails to hold a required neighborhood meeting, the
8 Department shall not accept that development application for review.

9 (b) *Public notice.* Public notice of a neighborhood workshop shall be provided
10 as indicated below.

11 (1) *Notice to Director.* An applicant holding a neighborhood workshop
12 shall coordinate with the Director prior to scheduling the workshop.

13 (2) *Notice required.*

14 a. The applicant shall provide notification by mail according
15 to Article IV, Notice of Hearings, of this Chapter. The Director
16 shall provide a mailing list to the applicant. The applicant shall
17 mail these notices with proper postage a minimum of fifteen (15)
18 days before the workshop.

19 b. The applicant shall publish notice of the workshop
20 according to Article IV, Notice of Hearings, of this Chapter, in a
21 newspaper of general circulation, or on a publicly accessible
22 website designated by the County for the publication of legal
23 notices and advertisements that is accessible to the public via the
24 Internet, pursuant to Chapter 50, Florida Statutes a minimum of ten

1 (10) days before the workshop. The advertisement shall be a
2 minimum of two (2) columns wide and four (4) inches long. The
3 ad shall be titled "Public Notice," with a description of the request,
4 a location map and contact information.

5 (3) *Postponed workshops.* New public notice consistent with the
6 Section above shall be provided for any rescheduled workshop.
7

8 **SECTION 7.** Section 402.65 of the Alachua County Unified Land Development Code,
9 entitled "County-initiated plat vacations" is hereby amended as follows:

10 **Sec. 402.65. County-initiated plat vacations.**

11 (a) *Vacation of an existing plat.* The BOCC may initiate a proceeding to order
12 the vacation and reversion to acreage of all or part of a subdivision within its
13 jurisdiction if capital improvements have not been properly installed, including
14 the vacation of streets or other parcels of land dedicated for public purposes.

15 (b) *Revocation, modification or suspension of an existing plat.*

16 (1) *Plat revocation, modification or suspension.* The BOCC may
17 initiate a proceeding to order a revocation, modification, or suspension of
18 an existing plat, when:

19 a. The plat was legally recorded not less than twenty (20)
20 years before the date of such action; and

21 b. Not more than ten (10) percent of the total subdivision area
22 to be vacated has been sold as lots.

23 (2) *Basis for revocation, modification or suspension.* The BOCC
24 action shall be based upon findings that vacation and reversion to acreage

1 will:

2 a. Conform to and be consistent with the Comprehensive
3 Plan; and

4 b. Promote the public health, safety, and welfare.

5 (c) *Action to vacate, revoke, modify or suspend a plat.*

6 (1) *Board of County Commissioners approval required.* Any action to
7 vacate, revoke, modify or suspend an approved plat is subject to approval
8 by the BOCC at a public hearing for which public notice has been
9 provided.

10 (2) *Public notice.* Mailed and published public notice of proposed
11 action to vacate, revoke, modify or suspend an approved plat shall comply
12 with the requirements of Article IV, Notice of Hearings, of this Chapter.

13 (3) *Adoption of resolution required.* In the event a vacation,
14 revocation, modification or suspension is ordered, a resolution shall be
15 adopted, setting forth the BOCC's findings and action.

16 (4) *Publishing of resolution.* The adopted resolution shall be published
17 one (1) time in a newspaper of general circulation, or on a publicly
18 accessible website designated by the County for the publication of legal
19 notices and advertisements that is accessible to the public via the Internet,
20 pursuant to Chapter 50, Florida Statutes, within thirty (30) days following
21 the adoption.

22 (5) *Execution of deed.*

23 a. The Chair of the BOCC is hereby authorized to execute a
24 deed, approved by the County Attorney, deeding the vacated plat,

1 or part thereof, to the appropriate parties.

2 b. The adopted resolution and County deed shall be recorded
3 in the public records along with proof of publication of the notice
4 of public hearing, and the proof of publication of the adopted
5 resolution, and a transfer of interest form.

6 c. The County will pay for the documentary stamps and any
7 other costs associated with the recording.

8 **SECTION 8.** Chapter 410 of the Alachua County Unified Land Development Code,
9 entitled “Definitions,” Article III, entitled “Defined terms” is hereby amended to add the
10 following definitions:

11 Newspaper: When used to refer to published notice for any official action by the Board
12 of County Commissioners, Planning Commission, or Development Review Committee,
13 or any other action or notice required under the Alachua County Unified Land
14 Development Code, “newspaper” means a newspaper of general circulation in which
15 legal notice may be published pursuant to Florida law and also includes a publicly
16 accessible website designated by the County for the publication of legal notices and
17 advertisements that is accessible to the public via the Internet, pursuant to Chapter 50,
18 Florida Statutes.

19
20 Publicly accessible website: means the County’s official website or other private website
21 designated by the County for the publication of legal notices and advertisements that is
22 accessible to the public via the Internet, pursuant to Chapter 50, Florida Statutes.
23
24

1 Published notice: As used in the Alachua County Unified Land Development Code,
2 “published notice” includes publication in a newspaper of general circulation in which
3 legal notice may be published pursuant to Florida law or publication on a publicly
4 accessible website designated by the County for the publication of legal notices and
5 advertisements that is accessible to the public via the Internet, pursuant to Chapter 50,
6 Florida Statutes.

7
8 **SECTION 9. Repealing Clause.** All ordinances or portions thereof in conflict herewith
9 are, to the extent of such conflict, hereby repealed.

10 **SECTION 10. Modification.** It is the intent of the Board of County Commissioners
11 that the provisions of this ordinance may be modified as a result of considerations that may arise
12 during public hearings. Such modifications shall be incorporated into the final version of the
13 ordinance adopted by the Board and filed by the Clerk to the Board.

14 **SECTION 11. Severability.** If any word, phrase, clause, paragraph, section or provision
15 of this ordinance or the application hereof to any person or circumstance is held invalid or
16 unconstitutional, such finding shall not affect the other provisions or applications of the
17 ordinance which can be given effect without the invalid or unconstitutional provisions or
18 application, and to this end the provisions of this ordinance are declared severable.

19 **SECTION 12. Inclusion in the Code.** It is the intent of the Board of County
20 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
21 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
22 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
23 intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate
24 designation.

1 **SECTION 13. Effective Date.** A certified copy of this ordinance shall be filed with the
2 Department of State by the Clerk of the Board within ten (10) days after enactment by the
3 Board and shall take effect upon filing with the Department of State.

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5

6 **DULY ADOPTED** in regular session, this ____ day of _____, 2023.

7

8

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

9

10

11 ATTEST:

12

BY: _____

13

Anna Prizzia, Chair

14

Board of County Commissioners

15

J.K. "Jess" Irby, Esq.

16

Clerk

17

APPROVED AS TO FORM

18

19

County Attorney

20

(SEAL)