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5 **BOARD OF COUNTY COMMISSIONERS**
6

7 ORDINANCE 03-01
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9 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
10 ALACHUA COUNTY, FLORIDA, AMENDING PART III, UNIFIED LAND
11 DEVELOPMENT CODE, TITLE 32 (ADMINISTRATION); CREATING
12 SECTION 320.01 TO DESIGNATE THE BOARD OF COUNTY
13 COMMISSIONERS AS THE LAND DEVELOPMENT REGULATION
14 COMMISSION; AND AMENDING TITLE 39 (ZONING CODE), SECTION
15 391.40(b) REGARDING THE POWERS AND DUTIES OF THE PLANNING
16 COMMISSION AND AMENDING 391.40(d) TO REMOVE DESIGNATION OF
17 THE PLANNING COMMISSION AS THE LAND DEVELOPMENT
18 REGULATION COMMISSION AND TO INCLUDE ON THE PLANNING
19 COMMISSION A VOTING MEMBER APPOINTED BY THE SCHOOL BOARD;
20 PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR LIBERAL
21 CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN
22 EFFECTIVE DATE.
23

24 WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized,
25 directed and empowered to enact a comprehensive plan to guide and regulate the growth and
26 development of the County pursuant to the Local Government Comprehensive Planning and Land
27 Development Regulation Act; and

28 WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to
29 make amendments to the Alachua County Unified Land Development Code, Part III, Title 39,
30 Zoning, to clarify various provisions, provide flexibility consistent with comprehensive plan
31 provisions, and resolve internal inconsistencies within the regulations; and,

32 WHEREAS, Section 163.3174, Florida Statutes, authorizes the County Commission to
33 designate itself as the Land Development Regulation Commission; and,

1 WHEREAS, the Board of County Commissioners desires to designate itself as the Land
2 Development Regulation Commission; and,

3 WHEREAS, Florida Statute, Section 163.3174(1), as amended by Chapter 02-295, Section
4 1, Laws of Florida, requires the County to include one representative of the school board appointed
5 by the school board as a nonvoting or voting member of the local planning agency; and,

6 WHEREAS, duly noticed public hearings were conducted on this ordinance on October 16,
7 2002. by the Alachua County Planning Commission, and on January 28, 2003, by the Board of
8 County Commissioners, all hearings being held after 5:00 o'clock p.m.;

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

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

14 Section 2. **Section 391.08 is hereby created to read as follows:**

15 **Sec. 391.08. Land development regulation commission.**

16 The Board of County Commissioners is hereby designated as the Land Development
17 Regulation Commission to perform all duties as specified in Subsection 163.3174(4)(c), Florida
18 Statutes. The Planning Commission shall serve in all other respects as the Local Planning Agency,
19 as provided for in Section 163.3174, Florida Statutes, and Section 391.40, Alachua County Code.

20 Section 3. Article III, Planning Commission, Section 391.40 is amended as follows:

21 **Sec. 391.40 Establishment, procedures and powers.**

1 (a) *Creation; designation as local planning agency.* The authorization for the
2 establishment of this planning commission and its designation as the land planning agency is set
3 forth in F.S. ch. 163. The planning commission shall act as the local planning agency.

4 (b) *Powers and duties.* The planning commission shall have the following powers and
5 duties:

6 ~~(2) To prepare and recommend to the board of county commissioners policies, ordinances,~~
7 ~~regulations, and other proposals, promoting orderly development along the lines indicated by the~~
8 ~~comprehensive plan. The Board of County Commissioners may, on a case-by-case basis, assign~~
9 ~~individual land development regulations to the Planning Commission for the purpose of conducting~~
10 ~~hearings or workshops and making recommendations to the Board.~~

11 (7) To conduct such public hearings as may be required to gather information necessary for the
12 drafting, establishment, and maintenance of the comprehensive plan through ordinances, codes, and
13 regulations and where deemed necessary for the purpose of promoting the implementation of the
14 comprehensive plan in whole or in part.

15 ~~(8) To serve as the land development regulation commission pursuant to F.S. 163.3174(4)(c), and~~
16 ~~in this capacity review proposed land development regulations, land development codes, or~~
17 ~~amendments thereto, and hold public hearings after giving due public notice and make~~
18 ~~recommendations to the board of county commissioners as to the consistency of the proposal with~~
19 ~~the adopted comprehensive plan, or element or portion thereof.~~

20
21 (d) *Membership; appointment, removal, and terms of members; officers; vacancies.*

1 (1) The planning commission shall be composed of seven voting members to be appointed by the
2 board of county commissioners and one voting member to be appointed by the Alachua County
3 School Board. Attendance rules in Section 391.40(d)(7) do not apply to the school board member.
4 Three members shall be appointed from state-licensed or state-registered building industry-related
5 professionals, including engineers, architects, contractors, realtors, and surveyors. Three members
6 shall not be such state-licensed or state-registered professionals, but may have planning or
7 environmental expertise. One member may be from either category.

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

17 Section 5. **Ordinance to be Liberally Construed.** This ordinance shall be liberally
18 construed in order to effectively carry out the purposes hereof which are deemed to be in the best
19 interest of the public health, safety, and welfare of the citizens and residents of Alachua County,
20 Florida.

21 Section 6. **Severability.** It is the declared intent of the Board of County Commissioners that,
22 if any section, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a

1 court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as
2 to render invalid or unconstitutional the remaining provisions of this ordinance.

3 Section 7. **Effective Date.** A certified copy of this ordinance shall be filed with the
4 Department of State by the Clerk of the Board of County Commissioners within ten (10) days after
5 enactment by the Board of County Commissioners, and shall take effect upon filing with the
6 Department of State.

7 DULY ADOPTED in regular session, this

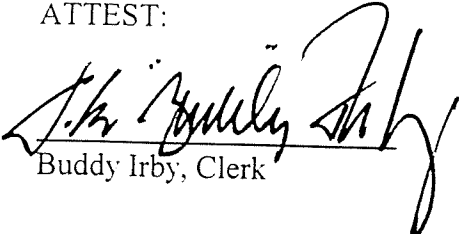
January 28, 2003, A.D.

8 (SEAL)
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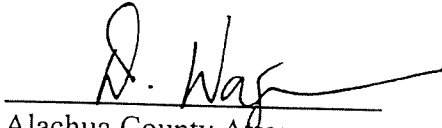
BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

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12 By: 
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14 Rodney J. Long, Chair
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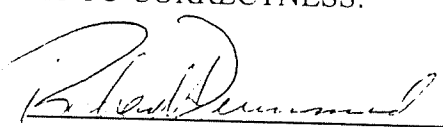
16 ATTEST:

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20 Buddy Irby, Clerk
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APPROVED AS TO FORM:

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28 Alachua County Attorney
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DEPARTMENT APPROVAL
AS TO CORRECTNESS:

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30 Richard Drummond, AICP
31 Director of Growth Management
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