

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 24-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040: A COMPREHENSIVE PLAN TEXT AMENDMENT ADDING FUTURE LAND USE ELEMENT POLICY 6.4.2.1: PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING FOR MODIFICATION; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Community Planning Act (Section 163.3161, et. seq., Florida Statutes) requires that each local government prepare and adopt a comprehensive plan; and

WHEREAS, Section 163.3184(11)(a), Florida Statutes, requires that any amendment to the Comprehensive Plan or any element or portion thereof be made by ordinance; and,

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make a text amendment (Application Z23-000004) to the Alachua County Comprehensive Plan 2019-2040 by adding Policy 6.4.2.1 to the Future Land Use Element Policy; and,

WHEREAS, a duly advertised public hearing was conducted on October 18, 2023 after 5:00 p.m. by the Alachua County Planning Commission, acting as the Local Planning Agency (LPA) and the LPA provided its recommendation to the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the LPA at a duly advertised public hearing held on November 14,

2023 and approved this plan amendment for transmittal, as provided in Section 163.3184(3)(b) 1., Florida Statutes, to the State Land Planning Agency, other reviewing agencies as defined in Section 163.3184(1)(c), Florida Statutes, and other local governments for review and comment; and,

WHEREAS, pursuant to Section 163.3184(3)(b)2., Florida Statutes, the reviewing agencies and local governments must transmit their comments to the County such that they are received no later than 30 days from the date on which the reviewing agency or local government received the amendment; and,

WHEREAS, the State Land Planning Agency received the proposed amendment, and provided a letter to the County dated November 27, 2023 indicating that the County would receive the State Land Planning Agency's comment letter by December 20, 2023; and,

WHEREAS, the State Land Planning Agency (Florida Department of Commerce) provided a letter to the County dated December 1, 2023 indicating that the Department had no comment on the proposed amendment; and

WHEREAS, the reviewing agencies identified in Section 163.3184(1)(c), F.S. have reviewed the proposed comprehensive plan amendment pursuant to Sections 163.3184(3)(b)2, 3, and 4, F.S. and the Board of County Commissioners has considered these letters; and,

WHEREAS, pursuant to Section 163.3184(3)(b)(c), the County is required to hold a public hearing on whether to adopt the comprehensive plan amendment within 180 days after receipt of agency comments; and,

WHEREAS, the Board of County Commissioners finds Z23-000004 to be in compliance with Chapter 163, Part II of the Florida Statutes; and,

WHEREAS, at the January 9, 2024 public hearing, the Board of County Commissioners provided for and received public participation and adopted the amendment, as embodied in Section 1 below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY:

SECTION 1. That the Alachua County Comprehensive Plan: 2019-2040 is hereby amended by adding Future Land Use Element Policy 6.4.2.1 as shown on Exhibit “A” and incorporated herein as a part thereof.

SECTION 2. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua County, Florida.

SECTION 3. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

SECTION 4. Severability. It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

SECTION 5. Effective Date. This plan amendment shall become effective 31 days after the state land planning agency notifies the County that the plan amendment package is complete pursuant to Section 163.3184(3)(c)4, Florida Statutes. If the

amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, then it will become effective upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment to be in compliance.

SECTION 6. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Duly adopted in regular session, this 9th day of January, A.D., 2024.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: _____
Mary C. Alford, Chair
Board of County Commissioners

ATTEST:

Jesse K. Irby II, Clerk

(SEAL)

DEPARTMENT APPROVAL
AS TO CORRECTNESS:

Director of Growth Management
or designee

APPROVED AS TO FORM:

Alachua County Attorney

EXHIBIT A

Z23-000004: New language added to the Future Land Use Element

Deleted language is indicated by a ~~strike through~~ while new language is indicated by an underline.

Policy 6.4.2.1 To provide for a greater range of choices of housing types, affordable housing, and the promotion of infill into existing neighborhoods while maintaining rural character, one accessory dwelling unit shall be allowed on residential lots in the Rural Cluster land use designation without being included in gross residential density calculations as follows.

(a) Performance criteria shall be detailed in the land development regulations and include elements such as size, site design, access, and parking requirements. In no instance shall an accessory dwelling unit be permitted on a lot with less than one acre of buildable area outside the boundaries of any conservation areas.

(b) Prior to the issuance of a building permit for the construction of an accessory dwelling unit in an existing residential area, the applicant shall provide proof of homestead exemption status establishing ownership and principal residence of the lot.

(c) Permanent occupancy by the owner of either the primary or accessory dwelling unit shall be required for all accessory dwelling units.

(d) The accessory dwelling unit shall meet all applicable requirements of the Florida Department of Health for the well and septic system.