

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2025-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040 BY REVISING THE POTABLE WATER AND SANITARY SEWER ELEMENT TO ADD A POLICY REQUIRING THE COUNTY TO CONSIDER THE FEASIBILITY OF PROVIDING SANITARY SEWER SERVICES FOR CERTAIN DEVELOPMENTS OF MORE THAN 50 RESIDENTIAL LOTS, AND REVISING THE CAPITAL IMPROVEMENTS ELEMENT TO ADD A POLICY TO INCLUDE PROJECTS THAT ARE NECESSARY TO MEET THE TOTAL MAXIMUM DAILY LOADS (TMDL) ESTABLISHED IN APPLICABLE BASIN MANAGEMENT ACTION PLANS; PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING FOR MODIFICATION; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; AND 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 (“the County”), wishes to make a text amendment (Application No. Z24-000004) to the Alachua County Comprehensive Plan, 2019-2040 as provided herein; and,

WHEREAS, House Bill 1379 was passed by the Florida Legislature, effective on July 1, 2023, which, among other things, amended Section 163.3177, Florida Statutes, to require local comprehensive plans to include elements related to onsite sewage treatment and disposal (OSTDS) systems within the County's jurisdiction and Basin Management Action Plan (BMAP) projects; and

WHEREAS, Section 163.3177(6)(c), Florida Statutes, as amended by House Bill 1379, requires that local comprehensive plans consider the feasibility of providing sanitary sewer service in a 10-year planning horizon to developments within the County's jurisdiction of more than fifty (50) residential lots with more than one OSTDS per one (1) acre; and

WHEREAS, Section 163.3177(3)(a), Florida Statutes, as amended by House Bill 1379, requires that the local comprehensive plan capital improvements element include projects necessary to achieve the pollutant load reductions attributable to the County, as established in a basin management action plan pursuant to Section 403.067(7), Florida Statutes; and

WHEREAS, a duly advertised public hearing on the proposed comprehensive plan amendment was conducted on August 21, 2024 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 October 22, 2024, and approved the proposed comprehensive plan amendment for transmittal for expedited state review pursuant Section 163.3184(3), Florida Statutes; and,

WHEREAS, pursuant to Section 163.3184(3)(b)1, the proposed comprehensive plan amendment was transmitted by the County to the State Land Planning Agency (Florida Department of Commerce) and other required agencies for expedited state review and comment on October 28, 2024 ; and,

WHEREAS, the Florida Department of Commerce, Florida Department of Transportation, Florida Fish and Wildlife Conservation Commission, and St. Johns River Water Management District provided letters to the County indicating that those agencies had no comment on the proposed amendment; and,

WHEREAS, the Florida Department of Environmental Protection provided technical comments to the County on the proposed amendment, and revisions were subsequently made to the amendment based on those comments; and,

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

WHEREAS, the Board of County Commissioners finds comprehensive plan amendment Z24-000004 to be in compliance with Chapter 163, Part II of the Florida Statutes; and,

WHEREAS, the Board of County Commissioners held a duly advertised public hearing on January 14, 2025, provided for and received public participation, and voted to adopt the comprehensive plan 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 as shown in 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 14th day of January, 2025.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: _____
Charles S. Chestnut, IV, Chair
Board of County Commissioners

ATTEST:

Jesse K. Irby, II, Clerk

(SEAL)

DEPARTMENT APPROVAL
AS TO CORRECTNESS:

APPROVED AS TO FORM:

Director of Growth Management
or Designee

Alachua County Attorney

EXHIBIT A

Z24-000004: Text Amendment to Alachua County Comprehensive Plan

Language to be added is shown in underlined text.

POTABLE WATER AND SANITARY SEWER ELEMENT

Policy 2.1.8. Alachua County shall, in coordination with utility providers, consider the feasibility of providing sanitary sewer services to developments of more than 50 residential lots in the unincorporated area, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per acre, within a 10-year planning horizon. By April 2026, and every ten (10) years thereafter, Alachua County will conduct a feasibility analysis identifying applicable developments and assessing the feasibility of providing sanitary sewer service to those developments. The feasibility analysis will include consideration of the following:

- (a) The name and location of the wastewater facility that could receive sanitary sewer flows after connection; the current capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and an estimated timeline for the potential construction of any improvements necessary for connection to the sanitary sewer system.
- (b) Estimate of potential costs to the County and property owners.
- (c) Water quality risks associated with the continued use of septic systems.
- (d) Other applicable goals, objectives and policies of this Comprehensive Plan.

If the analysis determines that it is feasible to provide sanitary sewer services to an applicable development, this shall not obligate the County or utility provider to undertake or fund any improvements necessary to connect the development to the sanitary sewer system. Such improvements may be considered on a case-by-case basis by the utility provider in coordination with the County with input from the residents of the area that would potentially be served by sanitary sewer.

CAPITAL IMPROVEMENTS ELEMENT

Policy 1.9.5 The County shall propose for inclusion in the Capital Improvements Element a list of capital improvement projects necessary to achieve the pollutant load reductions attributable to Alachua County to meet the Total Maximum Daily Loads (TMDL) as established in adopted Basin Management Action Plans for the Santa Fe River, Orange Creek, and Silver Springs basins pursuant to s. 403.067(7), Florida Statutes. This shall be completed initially as part of the Evaluation and Appraisal of the Comprehensive Plan in 2025, and subsequently reviewed annually and updated as necessary.