

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE 2025-

(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 THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS RELATED TO CHAPTER 404 USE REGULATIONS AND CHAPTER 410 DEFINITIONS; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; 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 Local Government Comprehensive Planning and Land Development Regulation 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

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

WHEREAS, the Board of County Commissioners, acting as the Land Development

Regulation Commission, has determined that the land development regulations that are the subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on February 25, 2025 and March 11, 2025 by the Board of County Commissioners, with one hearing being held after 11:30 a.m. and the other hearing being held after 5:00 p.m.; and,

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

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

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

Section 3. 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.

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 All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as the Development Regulations of Alachua County are codified, the provisions of this ordinance shall become and be made part of the Unified Land Development Code of Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such

intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

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

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

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

DULY ADOPTED in regular session, this 11th day of MARCH, A.D., 2025.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Charles S. Chestnut, IV, Chair

ATTEST:

J.K. "Jess" Irby, Esq. Clerk

APPROVED AS TO FORM:

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL AS TO CORRECTNESS

Department of Growth Management

Authorized Designee

EXHIBIT A

Unified Land Development Code Revision Language

CODE: Words ~~stricken~~ are deletions; words underlined are additions

CHAPTER 404. USE REGULATIONS

Sec. 404.69.2 Small-scale alcoholic beverage production facility

A small-scale alcoholic beverage production facility is allowed as a permitted use within the BW, ML, MS and MP districts and as an accessory use in the A district, with an active agricultural operation for agritourism purposes and utilizing agricultural products grown and processed on site.

**CHAPTER 404. USE REGULATIONS
ARTICLE II USE TABLE**

Code Revision Language

Words ~~stricken~~ are deletions; words underlined are additions

ARTICLE II. USE TABLE		P = Permitted Use by Right L = Limited Use SE = Special Exception SU = Special Use Permit																A = Accessory Use Blank Cell = Prohibited Uses NA = Not Applicable									
ZONING DISTRICT	LAND USE CATEGORY	A	A- RB	C- 1	RE RE- 1	R1- aa R-1a	R- 1b	R- 1c	R-2 R- 2a R-3	RM 1	RM- 1	RP	HIM	BP AP	BR	BR- 1	BH	BA BA- 1	BW	ML	MS MP	MB	TOD TND	STANDARDS			
		FOOD AND BEVERAGE																									
Restaurant		L																									Section 404.67.5
Restaurant, with drive-through																											Section 404.68
Incidental food and beverage sales			A																								Section 404.69
Cocktail lounge, bar, tavern, or nightclub																	SE										
Mobile food sales			L																								Section 404.69.1
<u>Small-scale alcoholic beverage production facility</u>		<u>A</u>																									<u>Section 404.69.2</u>

CHAPTER 410 DEFINITIONS

ARTICLE III DEFINED TERMS

Small-scale alcoholic beverage production facility: A facility that produces no more than 15,000 barrels (465,000 U.S. gallons) of beer and/or cider per year (microbrewery/cidery), 100,000 U.S. gallons of wine and/or mead per year (winery/meadery), or 15,000 U.S. gallons of spirits per year (distillery). Tasting or tap rooms and retail sales of merchandise related to the alcoholic beverage may also be allowed.

Restaurant: Any structure where food is prepared or served for consumption on or off the premises or within an enclosed business or building. Alcoholic beverages may also be produced for consumption on the premises.

Cocktail lounge, bar, tavern, or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises in which the service of food is merely incidental defined as the establishment deriving no more than fifty (50) percent of its gross revenue from the sale of food consumed on the premises. Alcoholic beverages may also be produced for consumption on the premises. Dancing and musical entertainment may be permitted. The term nightclub may also include facilities in which dancing and musical entertainment are permitted whether or not alcoholic beverages are served.