

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 TO CHAPTER 401 DEVELOPMENT REVIEW BODIES; RELATED TO ESTABLISHMENT OF THE PLANNING COMMISSION; 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 September 9, 2025 by the Board of County Commissioners, held after 11:30 a.m.,

NOW THEREFORE, 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 9th day of September, A.D., 2025.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

Charles 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

ARTICLE III. PLANNING COMMISSION

Sec. 401.03. Establishment, composition and term of office.

- (a) *Establishment and composition.* The Planning Commission shall be composed of seven (7) voting members to be appointed by the BOCC and one (1) voting member to be appointed by the Alachua County School Board. The BOCC may appoint an alternate member who shall serve in place of any absent member, except the school board member, and shall have all rights and responsibilities of the absent member, including the right to vote. The Planning Commission is a standing advisory board of the Board of County Commissioners.
- (b) *Term of office.* Each member shall serve a term of four (4) years, and terms shall remain staggered by adopting the present terms of the members of the Planning Commission.
- (c) *Legislative findings.* The Board of County Commissioners finds that, for certain land use and zoning decisions, the establishment of an advisory board is necessary to provide for public input and additional consideration of applications.

Sec. 401.04. Qualifications of members.

- (a) *Residence.* Members of the Planning Commission shall be residents of the County.
- (b) *Disclosure.* Applicants for appointment to the Planning Commission shall disclose whether or not they are currently elected or appointed to hold office in any public body or agency, including serving on an advisory board.
- (c) *Ethics.* Members of the Planning Commission shall be subject to all applicable provisions of F.S. Ch. 112, Pt. III, regarding ethics for public officers.

Sec. 401.05. Vacancies, attendance and removal of members.

- (a) *Vacancies.* Vacancies on the Planning Commission shall be filled by appointment of the BOCC.
 - (1) *Time of appointment.* An appointment to fill a vacancy shall be made within sixty (60) days after the vacancy occurs.
 - (2) *Notification of vacancy.* The Director shall notify the BOCC within ten (10) days after any vacancy shall occur on the Planning Commission. If the Director shall fail to provide timely notice of a vacancy, the chair of the Planning Commission may notify the BOCC of the vacancy.
 - (3) *Expiration of term and continuance in office.* If the term of a member expires prior to the appointment or reappointment of a member by the BOCC, that member shall continue to serve until the appointment is made.
- (b) *Attendance.* Attendance and removal of members.
 - (1) *Attendance requirements and removal.* Members of the Planning Commission shall meet the minimum attendance requirements specified in the most current version of the Guidelines for Advisory Boards and Committees. These attendance rules do not apply to the school board member.
 - (2) *Removal for other cause.* Planning Commission members serve at the pleasure of the Board of County Commissioners. Any Planning Commission member may be removed for good cause by the Board of County Commissioners after consideration of the issue at a Board meeting.
~~The BOCC shall remove any member of the Planning Commission who:~~
 - a. ~~Is no longer a resident of Alachua County; or~~

- ~~b. Is convicted of a felony or of an offense of moral turpitude while in office serving as a Planning Commissioner; or~~
- ~~c. Is found by the BOCC to have knowingly or repeatedly violated provisions of F.S. Ch. 112, Pt. III, regarding ethics for public officers; or~~
- ~~d. Is found by the BOCC to have known that she or he had a conflict of interest in a matter and participated in the decision on that matter.~~

Sec. 401.06. Officers, meetings, rules of procedure.

- (a) *Election of officers.* At an annual organizational meeting to be held each year on October 1 or as soon thereafter as practicable, the members of the Planning Commission shall elect one (1) of their members as chair and one (1) as vice-chair.
- (b) *Presiding officers.* Chair as presiding officer. The Chair shall serve as the presiding officer of the Planning Commission.
 - (1) *Temporary absence of the Chair.* In the temporary absence of the Chair, the Vice-Chair shall act as chair and shall have all powers of the Chair. In the temporary absence of both the Chair and Vice-Chair at any meeting, the Planning Commission shall elect a temporary Chair.
 - (2) *Permanent absence of the Chair.* In the event of the permanent absence of the Chair due to resignation or other cause, the Vice-Chair shall perform the Chair's duties until such time as the Planning Commission shall elect a new Chair.
 - (3) *Duties of the presiding officer.* The presiding officer shall be in charge of all proceedings before the Planning Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning Commission.
- (c) *Meetings.*
 - (1) *Regular meetings.* Regular meetings shall be held each month and shall be set for a time, date and location certain.
 - (2) *Special meetings.*
 - a. *Calling of special meetings.* Special meetings may be called by the Chair of the BOCC, a majority of the BOCC, the Chair of the Planning Commission, or a majority of the members of the Planning Commission.
 - b. *Notice of special meetings.* The Director shall notify all members a minimum of five (5) days in advance of any special meetings.
- (d) *Minutes and public records.* The Planning Commission shall keep minutes of its proceedings, showing the absence of members and the vote of each member including the Chair and Vice-Chair.
- (e) *Meetings and hearings to be public.* All meetings and hearings of the Planning Commission shall be open to the public.
- (f) *Public notice.* Public notice of Planning Commission hearings shall be provided as required for each application type as provided in Chapter 402 and in accordance with the procedures of Article IV, Notice of Hearings, in Chapter 402.
- (g) *Rules of procedure.* The most recent edition of The Standard Code of Parliamentary Procedure (Alice Sturgis) or such other document as may be specified by the Guidelines for Advisory Boards and Committees shall govern the proceedings at the meetings of the Planning Commission. The Commission may, by resolution, adopt additional rules of procedure not inconsistent with the guidelines for advisory boards and committees and any procedures set out or incorporated by reference therein.

- (h) *Quorum.* A meeting of the Planning Commission shall not be called to order, nor shall any business be transacted by the Planning Commission, without a quorum being present. A quorum shall consist of at least four (4) members.
- (i) *Consideration of applications and other actions.* A majority vote of a quorum or any greater number of members present at a meeting shall be necessary for the Planning Commission to take any action or make a decision or other determination. The provisions of F.S. § 286.012, prohibiting abstention from voting except in the case of conflict of interest, shall apply.
- (j) *Conflict of interest.*
 - ~~(1) Action if conflict of interest exists.~~ If there is a matter which comes before a member of the Planning Commission for which a conflict of interest exists, the member shall, as provided in F.S. Ch. 112, Pt. III:
 - ~~a.~~(1) Prior to the vote being taken, publicly state the nature of the interest in the matter;
 - ~~b.~~(2) Abstain from voting or participating in the matter; and
 - ~~c.~~(3) Within fifteen (15) days after the vote occurs, file a memorandum, Form 8A or 8B or other approved form with the secretary describing the nature of the interest in the matter.
- (k) *Powers and duties.* The Planning Commission shall exercise the powers and duties listed below.
 - (1) *Public hearings and recommendations.* The Planning Commission shall hold public hearings and make recommendations to the BOCC on the applications and other actions listed below:
 - a. Amendments to the official zoning map;
 - b. Major change to an approved planned development zoning district;
 - c. Special exceptions, and major amendments to such exceptions;
 - d. Special use permits, and major amendments to such permits;
 - e. Amendments to the text of this ULDC when requested by the BOCC.
 - (2) *Local planning agency.* The Planning Commission shall act as the Local Planning Agency as provided by F.S. § 163.3174. In the capacity as the Local Planning Agency, the Planning Commission shall hold public hearings and make recommendations to the BOCC regarding:
 - a. Evaluation and appraisal reports; and
 - b. Comprehensive Plan amendments.
- (l) *Work Plan and Report of Accomplishments.* The Planning Commission, no later than October 1 of each year, shall prepare and update a work plan and report of accomplishments for presentation to the Board of County Commissioners.