

Excerpts from Alachua County Boundary Adjustment Act Relating to Enclaves and Criteria for Annexation

Special Act Adopted by Florida Legislature for Alachua County – Laws of Fla., ch. 90-496 and amended by Laws of Fla., ch. 91-382, 93-347 and codified in the Alachua County Administrative Code, Chapter 225.

Chapter 225, Alachua County Code

Sec. 225.04. Definitions.

(7) *Enclave* means:

- (a) Any unincorporated area which is totally enclosed within and bounded by a single municipality;
- (b) Any unincorporated area which is totally enclosed within and bounded by a single municipality and a natural or manmade obstacle which prohibits the passage of vehicular traffic to that unincorporated area unless the traffic passes through the municipality; or
- (c) An unincorporated area which is totally enclosed within and bounded by more than one municipality, or more than one municipality and a natural or manmade obstacle which prohibits the passage of vehicular traffic unless the traffic passes through one or more of the municipalities.

Sec. 225.09. Character of the Area to be Annexed.

- (1) A municipal governing body may propose to annex an area only if it meets the general standards of paragraph (a) and the requirements of either paragraph (b) or paragraph (c).
 - (a) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another county or another incorporated municipality. No portion of the area to be annexed may be outside the reserve area of the annexing municipality. ***An annexation shall not create an enclave.***
 - (b) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:
 - 1. It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

2. It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size; or
 3. It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts five acres or less in size.
- (c) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of paragraph (b) if such area either:
1. Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or
 2. Is adjacent to, on at least 60 percent of its external boundary, any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in paragraph (b).
- (2) The purpose of this section is to permit municipal governing bodies to extend corporate limits to include all reserve areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes, the future probable use of which is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.
- (3) This section does not apply to voluntary annexations under section 225.10.
(Laws of Fla., ch. 90-496, § 9; Laws of Fla., ch. 91-382, § 5)

Sec. 225.10. Voluntary annexation.

- (1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality, reasonably compact, and a part of the municipality's reserve area may petition the governing body of said municipality that said property be annexed to the municipality.
- (2) At least 60 days before a municipality adopts an ordinance effecting a voluntary annexation pursuant to this section or F.S. § 171.044, the municipality shall give the owner or owners of the real property proposed to be annexed the report adopted by ordinance as provided in section 225.13. Within 20 days after the owner or owners

receive the report, the owner or owners may withdraw their petition. If the owner or owners do not withdraw their petition, the municipality may proceed with the annexation.

- (3) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the voluntary annexation, including a map clearly showing the area to be annexed, including major street names as a means of identifying such area, has been published once a week for two consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for two consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.
- (4) An ordinance adopted hereunder shall be filed with the clerk of the circuit court of the county and with the department of state.
- (5) ***Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.***

(Laws of Fla., ch. 90-496, § 10; Laws of Fla., ch. 91-382, § 6)