

# Chapter 400    General Provisions

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### Article 1    General

#### 400.01    Title

The rules and regulations hereby adopted shall be known and cited as the “Unified Land Development Code of Alachua County, Florida” and may be referred to as “this ULDC.”

#### 400.02    Purposes

This ULDC is adopted for the purpose of promoting the public health, safety and general welfare of the residents and property owners of Alachua County, and to encourage the orderly, harmonious and judicious use of land, consistent with the goals, policies and strategies of the Alachua County Comprehensive Plan. More specifically, this ULDC is adopted to accomplish the following purposes:

- (a) To carry out the purpose and intent of and exercise the authority set out in Florida Statutes 163.3202 and to implement the adopted principles, strategies, goals, objectives, policies and maps of the Comprehensive Plan related to the regulation of use and development of land and structures, and apply these standards to guide decisions affecting land use and development within the County.
- (b) To protect and conserve property values and property rights, consistent with Florida law and the Constitutions of the State of Florida and the United States.
- (c) To provide for adequate light, air and privacy; secure safety from fire, flood and other dangers and from human-made hazards; protect and enhance the aesthetics and character of all parts of the County; and avoid traffic congestion on streets, eliminate conflicts between pedestrian and vehicular movements, and encourage multimodal development.
- (d) Without limitation but as a matter of emphasis, to carry out the following more specific purposes:
  - 1. Promote sustainable land development that provides for a balance of economic opportunity, social equity including environmental justice and protection of the natural environment.
  - 2. Base new development upon the provision of necessary services and infrastructure. Focus urban development in a clearly defined area and strengthen the separation of rural and urban uses.
  - 3. Recognize residential neighborhoods as a collective asset for all residents of the County.
  - 4. Create and promote cohesive communities that provide for a full range and mix of land uses.

5. Minimize the conversion of land from rural to urban uses by maximizing the efficient use of available urban infrastructure, while preserving environmentally sensitive areas.
6. Promote land development that maximizes the use of public investments in facilities and services, ensures a proper level of public services for all new development and preserves existing amenities.
7. Promote the spatial organization of neighborhoods, districts and corridors through urban design codes that serve as predictable guides for community development.
8. Prevent or minimize conflicts among different land uses and structures.
9. Establish zoning districts, restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residential, commercial, industrial and other specified uses.
10. Provide development standards, criteria and regulations consistent with the Comprehensive Plan for the establishment of uses within the various zoning districts.
11. Provide a range of densities, intensities and uses to implement the future land use categories.
12. -Allow clustering and other flexible design options within conventional zones.
13. Ensure that gross density is consistent with the Future Land Use Element, while allowing for provision of unit bonuses for clustering where consistent with the Comprehensive Plan.
14. Encourage mixed-use development.
15. Protect natural resources and conservation areas during the land use planning and development review process through specific provisions for their protection, with an emphasis on designing with nature.
16. Provide performance standards for development in and adjacent to conservation and preservation areas to protect and enhance the natural, physical, biological, ecological, aesthetic and recreational functions of these areas.
17. Provide design standards for the development of streets in a manner consistent with the Corridor Design Manual.
18. [Promote energy –efficient land use patterns and building design, and energy conservation in the built environment.](#)

#### **400.03 Application Jurisdiction**

Unless otherwise provided in this ULDC, all applicable standards and requirements shall apply to all structures and uses permitted within the unincorporated area of the County as well as to newly annexed areas until the municipality amends its comprehensive plan to include the annexed areas and the amendments are in effect.

#### **400.04 Applicability**

- (a) The construction, moving, placement, erection, alteration or occupancy, of any building or structure, the use of any building or land, the disturbance of any water, the division of land and the development of land shall take place only in accordance with the requirements of this ULDC.

- (b) The construction, or major reconstruction, of all streets in any zoning district, whether public or private, shall conform to, and include the design elements of, the Alachua County Corridor Design Manual. In addition, all streets must meet the minimum Design and Construction Standards for Streets and Drainage Systems outlined in §407.141 of this ULDC.
- (c) In all zoning districts, the Minimum Design and Construction Standards for Pedestrian Networks outlined in §407.142 of this ULDC shall be met. However, if the Development Review Committee determines that an existing or anticipated sidewalk network will not be constructed within a reasonable time to which the subject development could connect, the Developer, at its option, may pay to the County, in lieu of constructing the external sidewalk segment, a cash amount equivalent to the estimated cost of the sidewalk construction. As an incentive to the Developer, the County will reduce the cash amount by five percent (5%) of the estimated cost of construction of the sidewalk. Payment in lieu of construction would be placed into a fund that can be used only for construction of bicycle or pedestrian facilities in an alternative location to be determined by the County.
- (d) Ongoing agriculture and silviculture farming operations that are not part of a development application and that meet the provisions and criteria pursuant to F.S. Chapter 163.3162, the Agricultural Lands and Practices Act, or F.S. 823.14(6), the Right to Farm Act, shall be exempt from any provisions of this ULDC that were not in existence as of July 1, 2003.

**400.05 Minimum or Maximum Requirements**

The provisions of this ULDC shall be the minimum or maximum requirements, as applicable, adopted for the promotion of the public health, safety or general welfare.

**400.06 Conflicting Provisions**

Wherever any requirement of this ULDC conflicts with the requirements of any other regulation or ordinance, the most restrictive requirement or that imposing the higher standards shall govern unless otherwise specifically provided.

**400.07 Deed Restrictions**

The enforcement and interpretation of this ULDC shall not be affected by deed restrictions, covenants or easements, other than those made as a condition of approval of a development application under this ULDC or any predecessor ordinance.

**400.08 Effective Date**

This ULDC shall become effective as of January 30, 2006, but not before the date a certified copy of the ordinance adopting this ULDC is filed with the Department of State, as provided in Chapter 125.66, Florida Statutes.

**400.09 Designees**

Unless otherwise specified in this ULDC, the identification of certain officials, including the County Manager, Director of Growth Management, County Attorney or any other Department Director or County Official to perform a task or carry out a specific responsibility, shall also include the designee of such official. Unless otherwise specified in this ULDC, the term "Director" shall mean the Director of Growth Management and the term "Department" shall mean the Department of Growth Management.

**400.10 Severability**

**(a) Invalidation**

Should a Court of competent jurisdiction of either the State of Florida or the United States hold any Section, sentence, clause, phrase or word of this ULDC invalid or unconstitutional, such decision shall not affect, impair or invalidate the remaining parts of this ULDC, which can be given effect without the invalid provision.

**(b) Prejudicial Application**

Should any Section, sentence, clause, phrase or word of this ULDC be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

**400.11 Presumption of Validity**

It is the intent of the Board of County Commissioners that this ULDC and all actions under it be granted the full benefit of the presumption of validity, to the maximum extent applicable to county actions in the State of Florida.

**400.12 Definitions**

Definitions of words and phrases for the use, administration and interpretation of this ULDC are provided in Chapter 410.

## Article 2 Official Zoning Map and Zoning Districts

### 400.13 Official Zoning Map

#### (a) Creation and Adoption

The "Official Zoning Map of Alachua County, Florida," including all explanatory materials and information, is adopted by reference and made a part of this ULDC.

#### (b) Location and Maintenance

The Official Zoning Map shall be located in the Department of Growth Management and maintained in a published version and format as determined by the Department.

#### (c) Amendments

The Official Zoning Map may be amended by adoption of resolutions that rezone property as provided in Article 13 of Chapter 402.

### 400.14 Zoning of Vacated Rights-of-Way

When any public right-of-way is vacated, such right-of-way shall, without further action by the County, be deemed to be zoned as follows.

- (a) If all of such land is surrounded by land classified in one zoning district, then it shall be deemed to be included in that district.
- (b) If such land is surrounded by land classified in more than one zoning district, then the zoning of each part of the vacated land shall be the zoning of the adjoining land owned by the owner receiving that part, with the zoning boundary to follow the new property lines and/or zoning district line.

## Article 3 Transitional Provisions

### 400.15 Applicability of Transitional Provisions

The transitional provisions of this Article shall apply to various activities, actions and other matters pending or occurring on the original effective date of this ULDC.

#### (a) Continuing Construction

Any building or structure for which a building permit was issued prior to the effective date of this ULDC may be completed in conformance with the issued building permit and other applicable permits and conditions, including the plans submitted for the approval of the permits. If such building or structure does not fully conform to the provisions of this ULDC or if the use for which it was designed is not permitted under this ULDC, such building or structure may be occupied and used as a legal nonconforming building, structure or use, subject to the provisions of Chapter 408.

#### (b) Continuing Development

Any subdivision or other development, for which a development order was approved prior to the effective date of this ULDC, may be completed in accordance with the approved development order and other applicable permits and conditions. If such subdivision or development does not fully conform to the provisions of this ULDC, the subdivision or development (including any buildings for which plans were included in a development approval) may be completed and used and shall exist as a legal nonconforming lot or nonconforming building or structure, subject to the provisions of Chapter 408 of this ULDC.