

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 16-

AN ORDINANCE AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN: 2011-2030, AMENDING POLICY 6.4.2 OF THE FUTURE LAND USE ELEMENT TO ELIMINATE THE ALLOWANCE FOR NEW RESIDENTIAL DEVELOPMENT IN RURAL CLUSTERS TO HAVE LOTS AS SMALL AS ONE-HALF ACRE IF CONNECTED TO A CENTRALIZED WATER SYSTEM (CPA-04-16); 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, wishes to make an amendment to Policy 6.4.2 of the Future Land Use Element of the Alachua County Comprehensive Plan 2011-2030; and,

WHEREAS, a duly advertised public hearing was conducted on the proposed comprehensive plan amendment on April 20, 2016 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 May 24, 2016 after 5:00 p.m., and approved the comprehensive plan amendment for transmittal, as provided in Section 163.3184(3)(b)1, Florida Statutes, to the State Land Planning Agency and other agencies defined in Section 163.3184(1)(c), Florida Statutes, for review and comment; and,

WHEREAS, pursuant to Section 163.3184(3)(b)2, Florida Statutes, the reviewing agencies and local governments must transmit their comments to the County such that they are received no later than 30 days from the date on which the reviewing agency or local government received the proposed comprehensive plan amendment; and,

WHEREAS, the State Land Planning Agency received the proposed comprehensive plan amendment, and provided a letter to the County dated June 1, 2016, indicating that the County would receive the State Land Planning Agency's comment letter no later than July 1, 2016; and,

WHEREAS, the reviewing agencies identified in Section 163.3184(1)(c) Florida Statutes reviewed the proposed comprehensive plan amendment pursuant to Sections 163.3184(3)(b)2, 3, and 4, Florida Statutes, and letters were received by the County from the Florida Department of Economic Opportunity, Florida Department of Agriculture and Consumer Services, Florida Department of Transportation, North Central Florida Regional Planning Council, and St. Johns River Water Management District, which indicated that these agencies had no comment on the proposed

comprehensive plan amendment; and,

WHEREAS, pursuant to Section 163.3184(3)(b)(c)1, Florida Statutes, the County is required to hold a public hearing to consider whether to adopt the proposed comprehensive plan amendment within 180 days after receipt of agency comments; and,

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

WHEREAS, the Board of County Commissioners conducted a duly advertised public hearing on August 9, 2016, where it 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, FLORIDA:

SECTION 1. **Text Amendment.** That Policy 6.4.2 of the Future Land Use Element of the Alachua County Comprehensive Plan 2011-2030, is amended as follows:

Policy 6.4.2 Residential development within Rural Clusters may be permitted with lot sizes of one acre or greater ~~for development on private wells and septic tanks, or on lots as small as one half acre for development on a central water system, consistent with Potable Water/Sanitary Sewer Element Policy 2.1.3.1 and Conservation and Open Space Element Policy 4.5.5(f).~~

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. 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. 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 6. 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 finding the adopted amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective except for a rezoning as provided in Section 163.3184(12), Florida Statutes.

Duly adopted on this 9th day of August, 2016.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Robert Hutchinson, Chair

J. K. Irby, Clerk

DEPARTMENT APPROVAL
AS TO CORRECTNESS:



Director of Growth Management
or Designee

APPROVED AS TO FORM:

Alachua County Attorney