

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE 16-

AN ORDINANCE (CPA-01-16) AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN: 2011-2030; AMENDING POLICY 1.6.8 OF THE TRANSPORTATION MOBILITY ELEMENT TO REVISE THE REQUIREMENT TO ADD PAVED SHOULDERS AS PART OF CERTAIN CAPITAL IMPROVEMENT PROJECTS ON RURAL CROSS-SECTION ROADWAYS; PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY, 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 1.6.8 of the Transportation Mobility Element of the Alachua County Comprehensive Plan 2011-2030; and,

WHEREAS, a duly advertised public hearing was conducted on the proposed amendment (CPA-01-16) on February 17, 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 February 23, 2016 after 5:00 p.m.; and

WHEREAS, the Board of County Commissioners considered the recommendations of the LPA at a duly advertised public hearing held on May 10, 2016 after 5:00 p.m. and approved this plan amendment for transmittal, as provided in Section 163.3184(3)(b)1., Florida Statutes, to the State Land Planning Agency, other reviewing agencies as defined in Section 163.3184(1)(c), Florida Statutes, and other local governments 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 amendment; 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 State Land Planning Agency, Florida Department of Transportation, Florida Department of Environmental Protection, Florida Department of Education and St. Johns River Water Management District, which had no comments on amendment CPA-01-16; and,

WHEREAS, pursuant to Section 163.3184(3)(b)(c), the County is required to hold a public hearing on whether to adopt the comprehensive plan amendment within

180 days after receipt of agency comments; and,

WHEREAS, the Board of County Commissioners finds CPA-01-16 to be in compliance with Chapter 163, Part II of the Florida Statutes; and

WHEREAS, at the April 12, 2016 public hearing, the Board of County Commissioners provided for and received public participation and adopted the amendment, as embodied in Section 1 below;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF ALACHUA, FLORIDA:

SECTION 1. **Text Amendments.** That the existing Policy 1.6.8 of the Transportation Mobility Element; Alachua County Comprehensive Plan 2011-2030, be struck and revised as follows:

Policy 1.6.8 The addition of bicycle lanes or paved shoulders in conjunction with roadway improvements on existing open drainage collector and arterial roadways shall be reviewed as detailed below:

- (a) Bicycle lanes or paved shoulders shall be provided whenever auxiliary lanes or medians are constructed on open drainage arterial or collector roadways unless prohibited due to stormwater, environmental or right-of-way constraints.
- (b) Reconstruction projects for collector or arterial roadways with open drainage shall include the addition of bicycle lanes or paved shoulders unless prohibited due to stormwater, environmental or right-of-way constraints.
- (c) Bicycle lanes or paved shoulders shall be provided in conjunction with the resurfacing of all open drainage arterial and collector roadways; however, where fiscal constraints exist, the County may consider adjacent or parallel multi-use paths.

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 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 4th day of April, A.D., 2016.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Robert Hutchinson, Chair

J. K. Irby, Clerk

DEPARTMENT APPROVAL
AS TO CORRECTNESS:

APPROVED AS TO FORM:



Director of Growth Management
or designee

Alachua County Attorney