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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 13-05
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING SECTION 406.103, UNIFIED LAND DEVELOPMENT CODE, PERMANENT PROTECTION OF CONSERVATION AREAS; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, LIBERAL CONSTRUCTION, AND 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 Community Planning Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2011-2030 Comprehensive Plan, which became effective on July 22, 2011; 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 May 14, 2013 by the Board of County Commissioners, with the hearing being held after 5:00 o'clock p.m.;

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 ALACHUA COUNTY, FLORIDA:

3 Section 1. Legislative Findings of Fact. The Board of County Commissioners of
4 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of
5 this ordinance are true and correct.

6 Section 2. The Unified Land Development Code of the Alachua County Code of
7 Ordinances Part III is hereby amended as shown in Exhibits "A" attached hereto.

8 Section 3. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
9 are, to the extent of the conflict, hereby repealed.

10 Section 4. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
11 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time
12 as the Development Regulations of Alachua County are codified, the provisions of this ordinance
13 shall become and be made part of the Unified Land Development Code of Alachua County,
14 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such
15 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
16 designation. The correction of typographical errors which do not affect the intent of the
17 ordinance may be authorized by the County Manager or designee, without public hearing, by
18 filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

19 Section 5. Ordinance to be Liberally Construed. This ordinance shall be liberally
20 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
21 affect public health, safety, or welfare.

22 Section 6. Severability. If any section, phrase, sentence or portion of this ordinance is
23 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

1 portion shall be deemed a separate, distinct and independent provision, and such holding shall
2 not affect the validity of the remaining portions thereof.

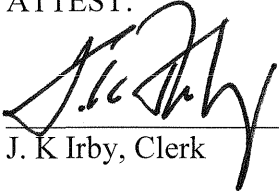
3 Section 7. Effective Date. A certified copy of this ordinance shall be filed with the
4 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
5 after enactment by the Board of County Commissioners, and shall take effect upon filing with
6 the Department of State.

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12 DULY ADOPTED in regular session, this 14th day of May, 2013.

13 BOARD OF COUNTY COMMISSIONERS OF
14 ALACHUA COUNTY, FLORIDA

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16 ATTEST:

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20 J. K. Irby, Clerk

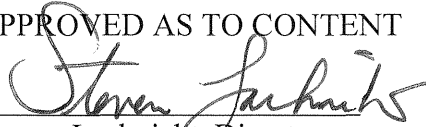
By: 
Mike Byerly, Chair

21 APPROVED AS TO FORM

22 
23
24 County Attorney

25 (SEAL)

26
27 APPROVED AS TO CONTENT

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30 Steven Lachnick, Director
31 Growth Management
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2 Attachment A
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6 **Section 406.103 - Permanent Protection**

7 Conservation management areas shall be permanently protected as follows:

8
9 (a) Dedication

10 All areas protected under this Section shall be restricted from further subdivision, and
11 protected in perpetuity using a legal instrument that runs with the land, in a form
12 acceptable to the County and duly recorded in the public record which assures the
13 preservation and continued maintenance of the conservation management area.

14 ...

15 (3) For building permits on undeveloped lands that contain regulated natural or historic
16 resources, or other administrative approvals as described in §402.48, that impact regulated
17 natural or historic resources, unless exempt under §400.04(d), a notification that the property
18 contains such resources signed by the owner shall be recorded in the public record in a form
19 approved by the Environmental Protection Department. This notice shall not be considered an
20 encumbrance upon the property. A permanent protection instrument may be required if the
21 application is associated with enforcement or mitigation perpetual deed restrictions or other
22 forms of dedication shall be the preferred method of protection, notwithstanding Section
23 406.103(a)1.
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