



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 23, 2022

Honorable J.K. "Jess" Irby, Esq.  
Clerk of the Circuit Court  
Alachua County  
201 East University Avenue  
Post Office Box 939  
Gainesville, Florida 32602

Attention: Steve Donahey

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Alachua County Ordinance No. 2022-10, which was filed in this office on June 22, 2022.

Sincerely,

Anya Owens  
Program Administrator

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ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE 2022-10**  
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE 40, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 407 GENERAL DEVELOPMENT STANDARDS RELATED TO HEIGHT, SETBACKS, AND SIZE OF FLAGS AND FLAGPOLES; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING 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 Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; 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,

1           WHEREAS, a duly noticed public hearing was conducted on such proposed amendment  
2 on May 10, 2022 by the Board of County Commissioners, with the hearing being held after  
3 11:30 a.m.; and,

4           WHEREAS, Alachua County finds that it is appropriate to update its regulations of signs  
5 in the County to ensure that the County’s sign regulations comply with all legal standards; and

6           WHEREAS, Alachua County finds that the sign regulations set forth below ensure that  
7 signs are compatible with their surroundings and are appropriate to the zoning district and land  
8 use classification of the property on which they are located.

9           BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
10 ALACHUA COUNTY, FLORIDA:

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

14           Section 2. Unified Land Development Code. The Unified Land Development Code of  
15 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and  
16 attached hereto.

17           Section 3. Modification. It is the intent of the Board of County Commissioners that the  
18 provisions of this ordinance may be modified as a result of considerations that may arise during  
19 public hearings. Such modifications shall be incorporated into the final version of the ordinance  
20 adopted by the Board and filed by the Clerk to the Board.

21           Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith  
22 are, to the extent of the conflict, hereby repealed.

1           Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of  
2 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time  
3 as the Development Regulations of Alachua County are codified, the provisions of this ordinance  
4 shall become and be made part of the Unified Land Development Code of Alachua County,  
5 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such  
6 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate  
7 designation. The correction of typographical errors that do not affect the intent of the ordinance  
8 may be authorized by the County Manager or designee, without public hearing, by filing a  
9 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

10           Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally  
11 construed in order to effectively carry out the purposes hereof which are deemed not to adversely  
12 affect public health, safety, or welfare.

13           Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is  
14 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such  
15 portion shall be deemed a separate, distinct and independent provision, and such holding shall  
16 not affect the validity of the remaining portions thereof.

17           Section 8. Effective Date. A certified copy of this ordinance shall be filed with the  
18 Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
19 after enactment by the Board of County Commissioners, and shall take effect upon filing with  
20 the Department of State.

1 DULY ADOPTED in regular session, this 10<sup>th</sup> day of May, A.D., 2022.

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BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: *Marihelen Wheeler*

Marihelen Wheeler, Chair

ATTEST:

*Jimmie Irby*

APPROVED AS TO FORM

J.K. Irby, Clerk Esq.

*Sylvia C. Torres*

(SEAL)

Alachua County Attorney

DEPARTMENT APPROVAL  
AS TO CORRECTNESS

*MK Daniels*

Department of Growth Management  
Authorized Designee

## Exhibit A

~~Sec. 407.09. Flag poles.~~

~~Notwithstanding the maximum height standards in [Chapter 403](#), flag poles shall not exceed twenty (20) feet in height in a residential district and thirty (30) feet in height in a nonresidential district as set forth in [Section 407.32\(a\)](#) of this Chapter.~~

*Sec. 407.36. - Flags and flagpoles.*

*The display of flags on flagpoles or flag brackets shall be subject to the following limitations:*

- (a) In residential developments and in the agriculture (A) zoning district, there shall be no more than one (1) flagpole on a lot, and no flagpole shall exceed twenty (20) feet in height, and no flag shall exceed the maximum dimensions of four (4) feet high by six (6) feet wide;*
- (b) In nonresidential developments, there shall be no more than three (3) flagpoles per principal building on any development site, and no flagpole shall exceed thirty (30) feet in height, with a maximum dimension per flag of five (5) feet high by eight (8) feet wide, except that one (1) flagpole may be up to fifty (50) feet in height when placed at least one hundred (100) feet from any property line with a maximum dimension per flag of eight (8) feet high by twelve (12) feet wide. Each flagpole must be within thirty (30) feet of the principal entrance to the building to which it is oriented;*
- (c) All flagpoles shall be set back at least five (5) feet from any property line;*
- (d) No rooftop flagpoles shall be allowed in any zoning district;*
- (e) No flagpole shall contain more than two (2) flags;*
- ~~(f) A flag on residential property shall not exceed twenty four (24) square feet in size. For purposes of determining the size of the flag, only one (1) side of the flag shall be counted as the display surface.~~*
- ~~(f)~~ ~~(g)~~ For each principal structure on a parcel, up to two (2) flag brackets may be attached or placed for the display of one (1) flag per bracket.*