

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2023-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040, BY AMENDING THE FUTURE LAND USE ELEMENT TO REVISE THE DEFINITIONS OF “ENVIRONMENTAL JUSTICE” AND “SOCIAL EQUITY”; ADD EQUITY, AND COMMUNITY, HISTORICAL, AND NEIGHBORHOOD CHARACTER AMONG FACTORS TO BE CONSIDERED IN LAND USE AND ZONING DECISIONS CONCERNING THE LOCATION OF INDUSTRIAL AND INSTITUTIONAL LAND USES; ADD EQUITY AS A FACTOR TO BE CONSIDERED FOR PROPOSED CHANGES TO THE ZONING MAP; AND PROVIDE FOR THE INCLUSION OF ENVIRONMENTAL JUSTICE, EQUITY, AND COMMUNITY, HISTORICAL, AND NEIGHBORHOOD CHARACTER AMONG FACTORS TO BE INCLUDED IN THE LAND DEVELOPMENT REGULATIONS FOR EVALUATING WHETHER OR NOT A SPECIAL EXCEPTION OR SPECIAL USE PERMIT IS GRANTED (Z23-000003); PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING FOR MODIFICATION; 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 a text amendment (Application Z23-000003) to the Alachua

County Comprehensive Plan, 2019-2040 by amending the Future Land Use Element definitions of Social Equity and Environment Justice and related policies in the Future Land Use Element; and,

WHEREAS, a duly advertised public hearing was conducted on August 16, 2023 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 September 26, 2023 and approved the proposed comprehensive 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 State Land Planning Agency (Florida Department of Commerce) received the proposed amendment, and provided a letter to the County dated October 2, 2023 indicating that the County would receive the State Land Planning Agency's comment letter no later than October 27, 2023; and,

WHEREAS, the State Land Planning Agency (Florida Department of Commerce) provided a letter to the County dated October 27, 2023 indicating that the Department had no comment on the proposed amendment; and,

WHEREAS, the reviewing agencies identified in Section 163.3184(1)(c), F.S. reviewed the proposed comprehensive plan amendment pursuant to Sections 163.3184(3)(b)2, 3, and 4, F.S., and had no comment on the proposed amendment; and,

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

WHEREAS, the Board of County Commissioners finds the comprehensive plan amendment Z23-000003 to be in compliance with Chapter 163, Part II of the Florida Statutes; and,

WHEREAS, the Board of County Commissioners held a duly advertised public hearing on December 12, 2023, 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:

SECTION 1. That the Alachua County Comprehensive Plan: 2019-2040 is hereby amended as shown in Exhibit “A” and incorporated herein as a part thereof.

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

**SECTION 4. 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 5. 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 determining the adopted amendment to be in compliance.

**SECTION 6. 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.

Duly adopted in regular session, this 12<sup>th</sup> day of December, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Mary C. Alford, Chair  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
J. K. "Jess" Irby, Esq, Clerk

(SEAL)

DEPARTMENT APPROVAL  
AS TO CORRECTNESS:

APPROVED AS TO FORM:

\_\_\_\_\_  
Director of Growth Management  
or Designee

\_\_\_\_\_  
Alachua County Attorney

# EXHIBIT A

## Z23-000003: Text Amendment to Alachua County Comprehensive Plan

Language to be added is shown in underlined font.

Language to be deleted is shown in ~~struck-through font~~.

Currently adopted language is shown in regular font.

### FUTURE LAND USE ELEMENT

**Principle 1.** Promote sustainable land development that provides for a balance of economic opportunity, social equity, ~~including~~ environmental justice, and protection of the natural environment.

#### Definitions

~~**Environmental Justice:** No group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the cumulative negative social or environmental consequences resulting from land use decisions.~~

**Environmental Justice** means that no group of people, including those from marginalized racial, ethnic, or socioeconomic groups or persons with disabilities, should disproportionately bear the cumulative negative social or environmental consequences resulting from land use decisions. Principles of environmental justice recognize historically that the largest proportion of environmental burdens come from industrial development, energy production facilities, disposal of waste, and transportation systems, and that these burdens often fall on the communities that are least able to withstand the impacts of them, i.e. poorer and marginalized communities. Environmental justice is a principle and practice that emerged historically from people of color organizing to protect their environments, community rights, lands, and health.

~~**Social Equity:** Principle of fairness, with attention to provision of opportunity to those portions of the community that are less well off; as applied to Comprehensive Plan, related issues include the provision of affordable housing, economic opportunity, and choice of living environments for all members of the community without regard to sex, race, age, religion, ethnicity, national origin, etc.~~

**Equity** means redressing injustices that were previously incurred, fully incorporating all segments of the community in the decision-making and planning processes and establishing measures to prevent future inequities from occurring. Such efforts include expanding opportunity and promoting equal access to public services, providing equal service quality, ensuring procedural fairness, and striving for equal opportunity in such areas as education, health, employment, mobility, and housing.

In the context of sustainability, equity refers to how burdens and benefits of different policy actions are distributed in a community. The more evenly they are distributed, the more equitable the community is, and this is reflected in economic, ecological, and social outcomes. Equity in sustainability includes putting forth efforts toward rectifying previous environmental injustices, avoiding environmental injustices going forward, and providing equal access to participate in sustainability activities and shape their development.

#### **4.0 INDUSTRIAL LAND USE POLICIES**

##### **OBJECTIVE 4.2 - LOCATION AND COMPATIBILITY**

**Policy 4.2.1.** Industrial land uses shall not be located adjacent to residential or agricultural areas without adequate buffering or integrating design and business practices to eliminate or minimize adverse impacts. Land use decisions concerning location of industrial uses shall take into consideration environmental justice, equity, and community, historical, and neighborhood character; this shall include consideration of the residents of the community, their relationship to the land, and the characteristics of the land itself. In considering community, historical, and neighborhood character, particular consideration shall be given to recognizing, protecting and preserving the resilience, collective desires, and resources of historically burdened communities. Historically burdened communities are those where the residents, often from racially or ethnically marginalized communities, face inequities and have disproportionate burdens associated with land use.

**Policy 4.4.1.** Heavy Industrial land uses shall not be located adjacent to residential or agricultural areas without adequate buffering or integrating design and business practices to eliminate or minimize adverse impacts. Land use decisions concerning location of industrial uses shall take into consideration environmental justice, equity, and community, historical, and neighborhood character; this shall include consideration of the residents of the community, their relationship to the land, and the characteristics of the land itself. In considering community, historical, and neighborhood character, particular consideration shall be given to recognizing, protecting and preserving the resilience, collective desires, and resources of historically burdened communities. Historically burdened communities are those where the residents, often from racially or ethnically marginalized communities, face inequities and have disproportionate burdens associated with land use.

#### **5.0 INSTITUTIONAL LAND USE POLICIES**

##### **OBJECTIVE 5.1 – GENERAL**

An institutional land use category shall be established to provide for a range of activities related to human development and community services, subject to the policies and standards contained in this Section.

**Policy 5.1.1** Potential locations for major future institutional uses are identified on the Future Land Use Map. Institutional uses may be allowed in other land use categories designated on the Future Land Use Map, and implemented in accordance with the guidance and policies within this Section 5.0., and within the Comprehensive Plan as a whole.

**Policy 5.1.2** The following uses are considered institutional and governmental uses in Alachua County:

- (a) Public and Private Educational Facilities (meeting State of Florida compulsory education requirements), Day Care Centers, and Nursery Schools.
- (b) Community Services (e.g. civic and government facilities, fire and emergency services, law enforcement, health facilities, community service organizations, correctional facilities).
- (c) Public Utility, Communications or Infrastructure Services (e.g. utility transmission and distribution facilities, landfills).
- (d) Religious Facilities; and
- (e) Cemeteries.

**OBJECTIVE 5.2 - LOCATION AND COMPATIBILITY** *(for Institutional Land Uses)*

**Policy 5.2.1.** The following criteria shall determine the appropriateness of potential institutional locations and uses requiring special use permits, and shall be demonstrated prior to establishing the institutional use:

- (a) Optimum service area.
- (b) Optimum operating size.
- (c) Access to clientele.
- (d) Compatibility of the scale and intensity of the use in relationship to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.
- (e) Nature of service provision.
- (f) Needs of the clientele.
- (g) Availability and adequacy of public infrastructure to serve the particular use.
- (h) Preservation and strengthening of community and neighborhood character through design and in accordance with Policy 5.2.2 of this Element.
- (i) Consistency with the goals, objectives, and policies of the Conservation and Open Space Element.

**Policy 5.2.2** Institutional facilities shall be designed and located for integration into the surrounding community. Land use decisions concerning location of institutional uses shall take into consideration environmental justice, equity, and community, historical, and neighborhood character; this shall include consideration of the residents of the community, their relationship to the land, and the characteristics of the land itself. In considering community, historical, and neighborhood character, particular consideration shall be given to recognizing, protecting and preserving the resilience, collective desires, and resources of historically burdened communities. Historically burdened communities are those where



the residents, often from racially or ethnically marginalized communities, face inequities and have disproportionate burdens associated with land use.

**Policy 7.1.2** Proposed changes in the zoning map shall consider:

- (a) consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan
- (b) the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1.1 of the Potable Water and Sanitary Sewer Element.
- (c) the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice, equity, and redevelopment opportunities.
- (d) those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare.

**Policy 7.1.17** The land development regulations shall provide for evaluation of certain land uses through processes by which special exceptions, special use permits, and temporary use permits may be granted. These certain uses include uses with intensities or characteristics that may create an adverse impact on surrounding neighborhoods or institutions which are evaluated on a case-by-case basis to ensure that the size, extent and character of that use is compatible with the surrounding uses. The regulations to implement this policy shall identify the general category of uses that will be subject to this process and the specific factors which will be utilized to evaluate whether or not a special exception, special use permit or temporary use permit should be granted. For special exceptions and special use permits, these factors shall include, but are not limited to, consideration of environmental justice, equity, and community, historical, and neighborhood character.