

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2025-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040 BY REVISING THE CONSERVATION AND OPEN SPACE ELEMENT TO INCLUDE TREE PRESERVATION AS A RECOGNIZED OPEN SPACE CATEGORY (Z25-000006); 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 (“the County”), wishes to make a text amendment (Application No. Z25-000006) to the Alachua County Comprehensive Plan, 2019-2040 as provided herein; and,

WHEREAS, a duly advertised public hearing on the proposed comprehensive plan amendment was conducted on March 19, 2025 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 April 22, 2025,

and approved the proposed comprehensive plan amendment for transmittal for expedited state review pursuant Section 163.3184(3), Florida Statutes; and,

WHEREAS, pursuant to Section 163.3184(3)(b)1, the proposed comprehensive plan amendment was transmitted by the County to the State Land Planning Agency (Florida Department of Commerce) and other required agencies for expedited state review and comment on April 23, 2025; and,

WHEREAS, the Florida Department of Commerce, Florida Department of Transportation, Florida Fish and Wildlife Conservation Commission, and St. Johns River Water Management District and the Florida Department of Environmental Protection provided letters to the County indicating that those agencies 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 within 180 days after receipt of agency comments to consider whether to adopt a proposed comprehensive plan amendment; and,

WHEREAS, the Board of County Commissioners finds comprehensive plan amendment Z25-000006 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 June 24, 2025, 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 24 day of June, 2025.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: _____
Charles S. Chestnut, IV, Chair
Board of County Commissioners

ATTEST:

Jesse K. Irby, II, Clerk

(SEAL)

DEPARTMENT APPROVAL
AS TO CORRECTNESS:

APPROVED AS TO FORM:

Director of Growth Management
or Designee

Alachua County Attorney

EXHIBIT A

Z25-000006: Text Amendment to Alachua County Comprehensive Plan

Underlined text is proposed to be added
Regular text is currently adopted language

~~Struck through~~ text is proposed for deletion

CONSERVATION AND OPEN SPACE ELEMENT

OBJECTIVE 3.1 - CONSERVATION LAND USE CATEGORIES

A conservation land use category shall be established to recognize and protect natural resources within privately owned lands in Alachua County utilizing appropriate regulatory, acquisition, and incentive mechanisms.

Policy 3.1.1 Conservation areas shall consist of natural resources that, because of their ecological value, uniqueness and particular sensitivity to development activities, require stringent protective measures to sustain their ecological integrity. These areas shall include:

- (a) Wetlands;
- (b) Surface waters;
- (c) 100-year floodplains;
- (d) Listed species habitat;
- (e) Significant geologic features; ~~and~~
- (f) Strategic ecosystems; and
- (g) Champion trees and Landmark Live Oaks

Objective 4.11 – CHAMPION TREES AND LANDMARK LIVE OAKS

Protect and conserve Champion trees and Landmark Live Oaks, as determined in the land development regulations, to support biological systems, provide for ecological benefits to the developed environment and maximize the enjoyment of natural settings.

Policy 4.11.1 The land development regulations shall establish standards for designating Champion trees and Landmark Live Oaks, with a focus on large, long-lived, high-quality trees. Canopy areas associated with preserved trees may be counted towards a development's required Open Space consistent with COSE Policy 5.2.2.

Policy 4.11.2 Outside of the preservation of large, long-lived high-quality trees, the land development regulations should incentivize new development to preserve other existing tree canopy consistent with COSE Policies 5.4.2 and 5.4.3.

Policy 4.11.3 Preserved trees and tree canopy should be accessible to the public, where appropriate, to provide for enjoyment of the natural systems associated with them. The land development regulations shall establish standards for limited impacts within the tree canopy area.

OBJECTIVE 5.2 - OPEN SPACE

To permanently preserve public Open Space within developments within Alachua County that protects natural resources, provides recreation, and augments the community network of bicycle and pedestrian infrastructure.

Policy 5.2.1 Open Space shall be provided on at least ten percent of every development, except as specified in Policy 5.2.5.

Policy 5.2.2 Open space is not intended to diminish other conservation requirements in this Element. The open space requirement in Policy 5.2.1 shall be fulfilled first with any of the conservation areas listed in Policy 3.1.1 followed by any significant habitat, if such exist on the site. All Conservation Areas or significant habitat within Open Space, with the exception of Champion Trees and Landmark Live Oaks, shall be maintained and remain undeveloped in perpetuity using a legal instrument that runs with the land and sets forth conditions and restrictions on use. The ULDC shall provide alternative options for protection of conservation resources based on quality, size, connectivity, and any other specified criteria. The boundaries of all Open Space shall be clearly delineated on plans, including recorded plats, and marked in the field to distinguish Open Space from developed areas.

Policy 5.2.3 After the requirements of Policy 5.2.2 have been met, additional Open Space shall minimize the fragmentation of open space areas and be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, with limited exceptions as defined in the land development code. The Open Space shall be located to best meet the following goals:

- (a) Augment required conservation areas
- (b) Provide accessible open space in the form of community gardens, community fields, greens, and pocket parks
- (c) Promote greater accessibility, resource protection, and connectivity by being contiguous or linked through multiuse paths to greenways, trails, public parks, and Open Space on adjoining parcels.

Policy 5.2.4 Open space in clustered rural residential subdivisions and Planned Developments with Transfers of Development Rights (PD-TDR) shall be preserved in accordance with policies under Objective 6.2 of the Future Land Use Element.

Policy 5.2.5 After meeting the requirements of Policy 5.2.2 to preserve any conservation resources listed in Policy 3.1.1 or significant habitat, the following types of development are not required to provide additional Open Space:

- (a) Nonresidential Development
- (b) Family Homestead Subdivisions
- (c) Rural Agriculture Unpaved Residential Subdivisions with no more than 9 lots

(d) Towers, major utilities, and outdoor recreation

Developments not required to provide additional open space shall still provide pedestrian and bicycle connections between designated greenways when applicable.

Definitions:

Champion Trees: Those trees that have been identified by the Florida ~~Forest Service~~ Division of Forestry as being the largest of their species within the State of Florida or by American Forests the ~~American Forestry Association~~ as the largest of their species in the United States. ~~The current list of champion trees in Gainesville and Alachua County is on file in the office of codes enforcement. This list is subject to revision and will be updated yearly.~~