

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO THE ALACHUA COUNTY CHARTER, PROVIDING FOR ESTABLISHMENT OF A RURAL AREA FOR COMPREHENSIVE PLANNING IN ALACHUA COUNTY; PROVIDING PROCEDURES AND STANDARDS FOR REDUCTION OF THE RURAL AREA BY ORDINANCE OF THE COUNTY COMMISSION; AUTHORIZING IMPLEMENTING ORDINANCES; PROVIDING THAT THE CHARTER AND IMPLEMENTING COUNTY ORDINANCES SUPERCEDE CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR A REFERENDUM ON THE QUESTION OF ADOPTION OF THE PROPOSED AMENDMENT TO THE COUNTY CHARTER; PROVIDING AN EFFECTIVE DATE OF THE CHARTER AMENDMENT, IF APPROVED BY A MAJORITY OF ELECTORS; PROVIDING FOR INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION AND INTERPRETATION; ALLOWING FOR MODIFICATION OF THE LANGUAGE OF THE ORDINANCE DUE TO CONSIDERATIONS ARISING AT A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alachua County established a charter form of government pursuant to the provisions of Chapter 125, Part IV, Florida Statutes, effective January 1, 1987; and

WHEREAS, the Board of County Commissioners adopted an ordinance to approve the Alachua County Home Rule Charter ("Charter") on September 9, 1986 and the Charter was approved by a majority of all voters voting in the special election held as part of the general election on November 4, 1986; and

WHEREAS, the Charter provides that amendments to the Charter may be proposed

by an ordinance adopted by the Board of County Commissioners by an affirmative vote of a majority plus one of the membership of the Board of County Commissioners; and

WHEREAS, the Florida Constitution, Article VIII, Section 1(g) provides that the County Charter shall provide which ordinance shall prevail in the event of conflict between County and municipal ordinances, and

WHEREAS, Section 163.3171(2), Florida Statutes, authorizes a charter county to exercise comprehensive planning authority pursuant to the Community Planning Act over municipalities or districts within its boundaries as is provided for in its charter, and

WHEREAS, the Board of County Commissioners desires to propose an ordinance for adoption to amend the Alachua County Charter to establish a “Rural Area”, within which the Alachua County Comprehensive Plan and land development regulations shall continue to govern the development of land regardless of whether any part of that area were to be annexed into a municipality, and

WHEREAS, the proposed amendment serves the important county purposes of preserving rural and agricultural lands, discouraging urban sprawl, and protecting areas with natural resource value within the designated Rural Area in accordance with the goals, objectives, and policies of the Alachua County Comprehensive Plan, and

WHEREAS, the Board of County Commissioners has determined that this amendment, if approved by the electors of the County, shall be effective county-wide.

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

SECTION 1. Authorization and Legislative Findings. This Ordinance is authorized by Chapter 125, Part IV, Florida Statutes, and Article IV, Sections 4.2(C) and 4.2(D), Alachua County Charter, and other applicable law. The Board of County Commissioners finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

SECTION 2. Amendments to the Alachua County Home Rule Charter. The proposed amendment to the Alachua County Charter pertaining to land use planning, set forth in Exhibit “A”, attached hereto and incorporated herein, is proposed for adoption in accordance with Subsection 4.2(C)(1), Alachua County Charter.

SECTION 3. Referendum.

a. The proposed amendment to the Alachua County Charter in Section 2 of this ordinance shall be presented to the County electorate on the ballot at the general election to be held on November 3, 2020.

b. The Supervisor of Elections of Alachua County shall cause the following question to be placed on the ballot at the general election to be held on November 3, 2020:

**ESTABLISHMENT OF A RURAL AREA FOR
COMPREHENSIVE PLANNING IN ALACHUA COUNTY**

SHALL THE ALACHUA COUNTY CHARTER BE AMENDED TO ESTABLISH A RURAL AREA FOR COMPREHENSIVE PLANNING IN ALACHUA COUNTY, WHEREIN THE ALACHUA COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS APPLY, REGARDLESS OF WHETHER THE AREA WERE TO BE ANNEXED BY A MUNICIPALITY; PROVIDE PROCEDURES AND STANDARDS FOR REDUCTION OF THE RURAL AREA BY ORDINANCE OF THE COUNTY COMMISSION; AUTHORIZE IMPLEMENTING ORDINANCES; AND PROVIDE THAT THE CHARTER AND IMPLEMENTING COUNTY ORDINANCES SUPERCEDE CONFLICTING MUNICIPAL ORDINANCES?

___ YES

___ NO

SECTION 4. Effective Date of Charter Amendment.

This amendment to the Alachua County Charter adopted as set forth in Exhibit "A" shall be effective on January 1, 2021, only if approved by a majority of the electors voting in the general election to be held on November 3, 2020.

SECTION 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the County Manager or designee without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

SECTION 6. 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 for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect 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 7. Liberal Construction and Interpretation. 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 8. 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 9. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and this ordinance shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session by an affirmative vote of a majority plus one of the membership of the Board of County Commissioners this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Robert Hutchinson, Chair

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

APPROVED AS TO FORM:

Alachua County Attorney

EXHIBIT A

Section 1.5, Land Use Planning, of the Alachua County Home Rule Charter is hereby amended to read:

ARTICLE I. CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER AND GOVERNMENT

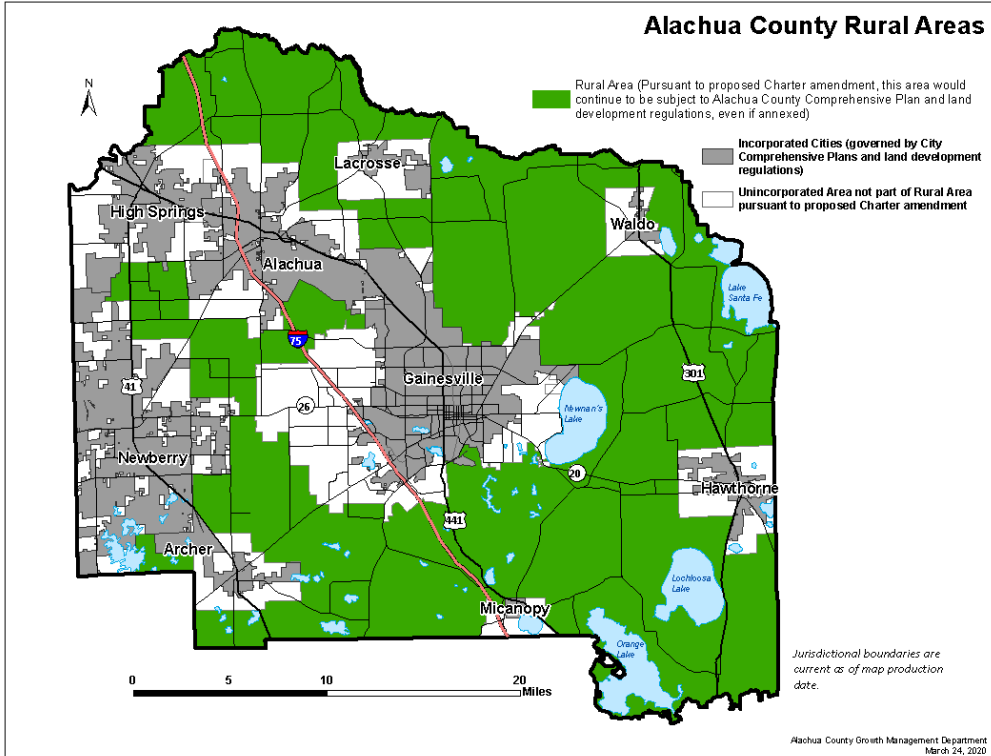
Sec. 1.5. – Land Use Planning

A. Except as otherwise provided in this Charter, Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area not located within any area designated pursuant to general or special law as a reserve for annexation by another municipality or in portions of the area within such a municipality.

(Res. No. 00-116, § 2, 12-12-00)

- B. There is hereby established a “Rural Area” as delineated on the map titled “Alachua County Rural Areas” and dated <to be inserted>, which is on file in the official records of the Clerk of the Board of County Commissioners.
- C. The Alachua County Comprehensive Plan and land development regulations shall govern the development of land within the “Rural Area” of Alachua County, as that area is defined in Subsection B, regardless of whether some or all of that area were to be annexed into a municipality.
- D. The Board of County Commissioners may remove areas from the “Rural Area” by ordinance if removal and any associated amendment of the applicable comprehensive plan for the subject area is consistent with the principles, goals, objectives and policies in the Alachua County Comprehensive Plan and state law governing comprehensive planning. Once an area is removed from the “Rural Area”, it is no longer subject to the provisions of Subsection C. Nothing herein shall authorize the County Commission to expand the “Rural Area” beyond that area described in Subsection B above.

E. The Board of County Commissioners may enact ordinances to implement this Section. Municipal ordinances in conflict with this Section or any implementing county ordinances are superseded to the extent of such conflict.



Municipal boundaries are current as of map production date, but may change due to annexation prior to the public hearing on this ordinance. This map will be updated to reflect any annexations that occur prior to the public hearing at which this ordinance is considered by the County Commission.