



Alachua County Charter

***Potential Board-Initiated Charter Amendments:
Land Use Planning and Natural Resources Protection***

Draft Ordinances for Authorization to Advertise Public Hearings

Board Direction from March 3, 2020

1. Embrace bullet points 2 and 3 as the general purposes for the Charter amendment:
 - Preserve areas of rural and agricultural land use, and discourage sprawl
 - Protect areas with significant natural resource value
2. Direct staff to develop an implementation framework for a model for the charter amendment based on Map #2A
3. County would retain land use and zoning authority over the specified areas (*“Rural Area” on Map 2A*), whether annexed or not, up until the point where the County votes to turn the land use and zoning authority over to the municipality, at which point the municipality could apply its land use and zoning.
4. Consider the issue of how the County could allow municipalities to develop land (*i.e., allow for land to be developed under City’s Comp Plan and LDRs*) while retaining County protection for natural resources.

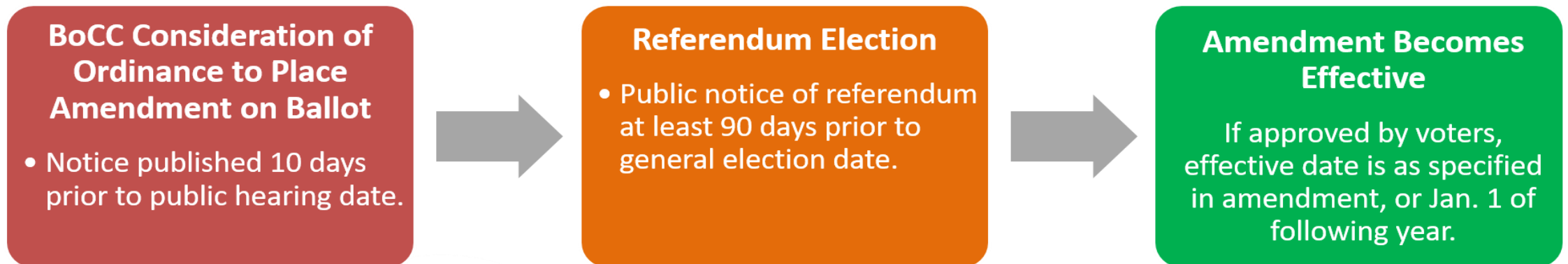
Agenda Item Purpose

- Two draft charter amendment ordinances for review and authorization to advertise public hearings:
 1. County Land Use Plan for Rural Areas
 2. Countywide Natural Resources Protection (relationship of County to municipal ordinances)

Process for BoCC-Initiated Charter Amendments

Key Dates:

- **May/Early June 2020** – BoCC public hearing on ordinance to place amendment on ballot
- **June 12, 2020** – Deadline to notify Supervisor of Elections about number of proposed charter amendments that will be on ballot
- **July 2020** – Notice of referendum published (required at least 90 days prior to election)
- **August 21, 2020** – Deadline to provide ballot language to Supervisor of Elections.
- **November 3, 2020** – General Election

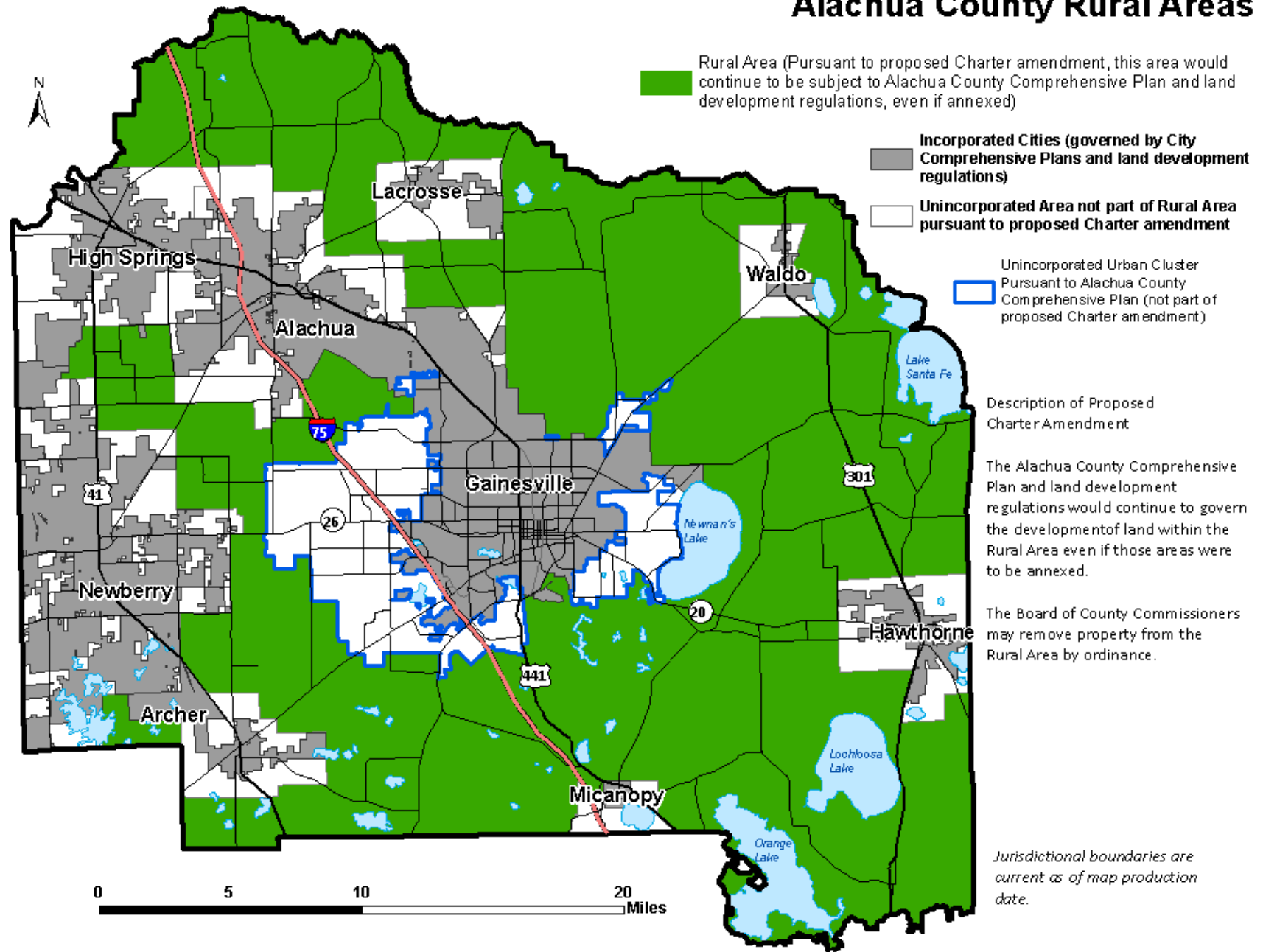


Draft Charter Amendment: Section 1.5 - Land Use Planning

- Establishes a “Rural Area” within which the County’s Comprehensive Plan and land development regulations would continue to govern the development of land even if those areas were to be annexed in the future.
- BoCC may remove property from Rural Area by ordinance, if the removal and associated amendment of the applicable comprehensive plan is consistent with the adopted County Comprehensive Plan and state law.
- BoCC may enact implementing ordinances.

Proposed Charter Rural Area

Map Option #2A per BoCC direction, March 3, 2020



Draft Charter Amendment: Section 1.5 - Land Use Planning

Implementation Considerations: Process if City annexes property within Charter-defined Rural Area:

Scenario 1 – No Change to Future Land Use or Zoning Designations

- County Comprehensive Plan and LDRs would continue to apply until landowner or City propose a change (Scenario 2).
- Development applications for the annexed property would be processed by the City and must be consistent with County Comprehensive Plan and LDRs.

LDRs = Land Development Regulations

Draft Charter Amendment: Section 1.5 - Land Use Planning

Implementation Considerations: Process if City annexes property within Charter-defined Rural Area:

Scenario 2 – Proposed Change to Future Land Use or Zoning Designations

- City or property owner proposes amendment to Future Land Use designation and zoning change to apply City designations to subject property.
- City Commission would decide on the proposed amendment to Future Land Use designation and zoning change. The proposed changes would need to be consistent with the County Comprehensive Plan policies for the Rural Area unless the subject property was removed from Rural Area.
- The County Commission could consider removal of the subject property from the Charter-defined Rural Area by ordinance in connection with the City's proposed changes above.

Draft Charter Amendment: Section 1.5 - Land Use Planning

Implementation Considerations: Removal of Property from Rural Area:

- BoCC decision on removal of property from the Rural Area would be based on consistency with adopted provisions in County Comprehensive Plan, such as:
 - Focusing urban development within existing urban areas, minimizing conversion of land from rural to urban uses, limitations on extension of water and sewer lines into rural areas, and standards for natural resource protection such as for Strategic Ecosystems and other conservation areas.
- In addition to the adopted County Comprehensive Plan policy framework, specific standards for removal of property from the Rural Area could be developed and proposed for inclusion in the Plan as part of an implementing ordinance, as authorized by proposed Charter language.

Draft Charter Amendment: Section 1.4 - Relation of County Ordinances to Municipal Ordinances for Protection of Natural Resources

- Board directed staff to consider the issue of how the County could allow for cities to have land use planning authority within city boundaries while retaining County protections for natural resources.
- Existing Charter language in Section 1.4 provides that both County and City ordinances dealing with standards for air and water pollution may apply within city boundaries, and that the more stringent ordinance prevails in the event of a conflict.

Draft Charter Amendment: Section 1.4 - Relation of County Ordinances to Municipal Ordinances for Protection of Natural Resources

- Draft ordinance would enable both County and City ordinances dealing with **standards for protection of listed species habitat, significant geologic features, strategic ecosystems, or significant habitat** to apply within city boundaries.
- Specifies that more stringent ordinance prevails if there is a conflict.
- If approved by voters, County could then enact ordinances that specify the standards that would potentially be applicable countywide (similar to countywide wetlands ordinance).

Florida Senate Bill 410 (2020)

163.3167 Scope of Act. –

(11) A County may not adopt, after January 1, 2020, any comprehensive plan, land development regulation, or other form of restriction that serves as a limitation on a municipality from establishing land use and zoning on lands located within a municipality unless the municipality, through its own ordinances, adopts and imposes the provision, goal, objective, or policy on lands located within the municipal jurisdiction. A County may not limit a municipality from deciding the land uses, density, and intensity allowed on lands annexed into a municipality as long as the municipality is in compliance with subsection (3). This subsection does not apply to a charter county with a population in excess of 750,000 as of January 1, 2020, which has in place, as of that date charter provisions governing land use or development, which provisions apply to all jurisdictions within the county.

Staff Recommendation

- If the Board wishes to move forward with either or both of the proposed Charter amendments, then direct staff to advertise the required public hearings on the draft ordinances provided:
 1. County land use planning for Rural Area
 2. Relation of County ordinances to municipal ordinances for protection of natural resources
- Alternatively, the Board may wish to direct staff to make certain changes to the draft ordinances, and bring them back for authorization to advertise public hearings at the next available Board meeting.