



# Public Hearing on Proposed Amendment to Alachua County Charter

## *Relation of County to Municipal Ordinances for Protection of Natural Resources*

# Purpose and Requested Board Action

- Proposed ordinance to amend Alachua County Charter Section 1.4 (Relation to Municipal Ordinances)
- Proposed Charter amendment is subject to approval by a majority of the electors of Alachua County voting in a referendum.
- In order to place the proposed Charter amendment on the ballot for voter consideration in November 2020, the BoCC would need to approve the attached ordinance by supermajority vote.
- Supervisor of Elections needs to know total number of issues that will be placed on the ballot by June 12, 2020.

# Previous Board Direction

- **March 3, 2020:** Consider the issue of how the County could allow municipalities to develop land (*i.e., allow for annexed land to be developed under City's Comp Plan*) while retaining the County's protection standards for natural resources.
- **April 14, 2020:** Board authorized advertisement of public hearing on proposed Charter amendment ordinance for countywide protection of certain natural resources.

# Existing Charter Section 1.4

## Relation of County Ordinances to Municipal Ordinances

- Municipal ordinances shall generally prevail over County ordinances to the extent of any conflict.
- Notwithstanding above, if county and municipality establish different standards for the purpose of “protecting the environment by prohibiting or regulating air or water pollution”, the ordinance imposing more stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of the municipality (“Amendment 1” approved by voters in 2000).

# Proposed Charter Amendment: Section 1.4

## Relation of County Ordinances to Municipal Ordinances

- Adds other natural resource types to the existing Charter language that was approved through Amendment 1 in 2000.
- Amendment would enable the County to enact ordinances establishing standards for protection of listed species habitat, significant geologic features, strategic ecosystems, or significant habitat that would be effective countywide.
- More stringent ordinance would prevail in the event of a conflict between county and municipal ordinances.

# Proposed Charter Amendment Language

## Section 1.4. - Relation to municipal ordinances.

Except as otherwise provided in this Charter, Mmunicipal ordinances shall prevail over county ordinances to the extent of any conflict. Effective countywide and Notwithstanding the foregoing, if the county and a municipality enact ordinances establishing different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, or for the purpose of protecting listed species habitat, significant geologic features, strategic ecosystems, or significant habitat, all of which are defined in the Alachua County Comprehensive Plan, the ordinances imposing more stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of such municipality; however, the ordinances imposing less stringent standards shall not be deemed to conflict with ordinances imposing more stringent standards and shall also be fully enforceable within the boundaries of such municipality.

# Proposed Ballot Language

## RELATIONSHIP BETWEEN COUNTY AND MUNICIPAL ORDINANCES FOR PROTECTION OF CERTAIN NATURAL RESOURCES

SHALL THE ALACHUA COUNTY HOME RULE CHARTER SECTION 1.4 BE AMENDED TO AUTHORIZE COUNTYWIDE PROTECTION OF CERTAIN NATURAL RESOURCES BY ESTABLISHING THAT THE MORE STRINGENT OF COUNTY OR MUNICIPAL ORDINANCES FOR SUCH PURPOSE SHALL PREVAIL TO THE EXTENT OF ANY CONFLICT AND BE ENFORCEABLE COUNTYWIDE?

# Staff Recommendation

Adopt the attached ordinance approving the proposed amendment language to Section 1.4 of the Alachua County Charter, and authorizing the enclosed language to be placed on the ballot for consideration by the electors of Alachua County in a referendum as part of the general election in November, 2020.