

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO SECTION 1.5 OF THE ALACHUA COUNTY HOME RULE CHARTER, PROVIDING FOR ESTABLISHMENT OF A RURAL AREA FOR COMPREHENSIVE PLANNING IN ALACHUA COUNTY; PROVIDING FOR REDUCTION OF THE RURAL AREA BY ORDINANCE OF THE COUNTY COMMISSION; AUTHORIZING IMPLEMENTING ORDINANCES; PROVIDING THAT THE CHARTER AND IMPLEMENTING COUNTY ORDINANCES SHALL PREVAIL OVER CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR A REFERENDUM ON THE QUESTION OF ADOPTION OF THE PROPOSED AMENDMENT TO THE COUNTY CHARTER; PROVIDING AN EFFECTIVE DATE AND COUNTYWIDE EFFECT FOR THE CHARTER AMENDMENT, IF APPROVED BY A MAJORITY OF ELECTORS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF ALACHUA COUNTY 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

36 **WHEREAS**, the Charter provides that amendments to the Charter may be proposed
37 by an ordinance adopted by the Board of County Commissioners by an affirmative vote of a
38 majority plus one of the membership of the Board of County Commissioners; and

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

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

45 **WHEREAS**, the Board of County Commissioners desires to propose an ordinance for
46 adoption to amend the Alachua County Charter to establish a “Rural Area”, within which the
47 Alachua County Comprehensive Plan and land development regulations shall continue to
48 govern the development of land regardless of whether any part of that area is located within a
49 municipality, and

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

54 **WHEREAS**, the Board of County Commissioners has determined that this
55 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 and are incorporated herein.

SECTION 2. **Amendments to the Alachua County Home Rule Charter.** The proposed amendment to the Alachua County Charter Section 1.5 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:

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

84
85 SHALL THE ALACHUA COUNTY CHARTER BE AMENDED, EFFECTIVE
86 COUNTYWIDE, TO ESTABLISH A RURAL AREA FOR COMPREHENSIVE
87 PLANNING IN ALACHUA COUNTY, WHEREIN THE ALACHUA COUNTY
88 COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS
89 SHALL APPLY REGARDLESS OF WHETHER THE AREA IS WITHIN A
90 MUNICIPALITY; PROVIDE FOR REDUCTION OF THE RURAL AREA BY
91 ORDINANCE OF THE COUNTY COMMISSION; AUTHORIZE
92 IMPLEMENTING ORDINANCES; AND PROVIDE THAT THE CHARTER AND
93 IMPLEMENTING COUNTY ORDINANCES SHALL PREVAIL OVER
94 CONFLICTING MUNICIPAL ORDINANCES?

95 ___YES
96

97 ___NO

98 **SECTION 4. Effective Date of Charter Amendment.**

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

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

112 **SECTION 6. Severability.** It is the declared intent of the Board of County
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114 Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is for
115 any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of
116 competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the
117 remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion
118 of such part or parts shall be deemed to be valid.

119 **SECTION 7. Liberal Construction and Interpretation.** This ordinance shall be
120 liberally construed in order to effectively carry out the purposes hereof which are deemed to
121 be in the best interest of the public health, safety, and welfare of the citizens and residents of
122 Alachua County, Florida.

123 **SECTION 8. Modification.** It is the intent of the Board of County Commissioners that
124 the provisions of this ordinance may be modified as a result of considerations that may arise
125 during public hearings. Such modifications shall be incorporated into the final version of the
126 ordinance adopted by the Board and filed by the Clerk to the Board.

127 **SECTION 9. Effective Date.** A certified copy of this ordinance shall be filed with the
128 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
129 after enactment by the Board of County Commissioners, and this ordinance shall take effect
130 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

By: _____
Robert Hutchinson, Chair

ATTEST:

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

APPROVED AS TO FORM:

Alachua County Attorney

153 EXHIBIT A

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

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159
160 **ARTICLE I. CREATION, POWERS AND ORDINANCES OF HOME RULE**
161 **CHARTER AND GOVERNMENT**

162
163 **Sec. 1.5. – Land Use Planning**

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

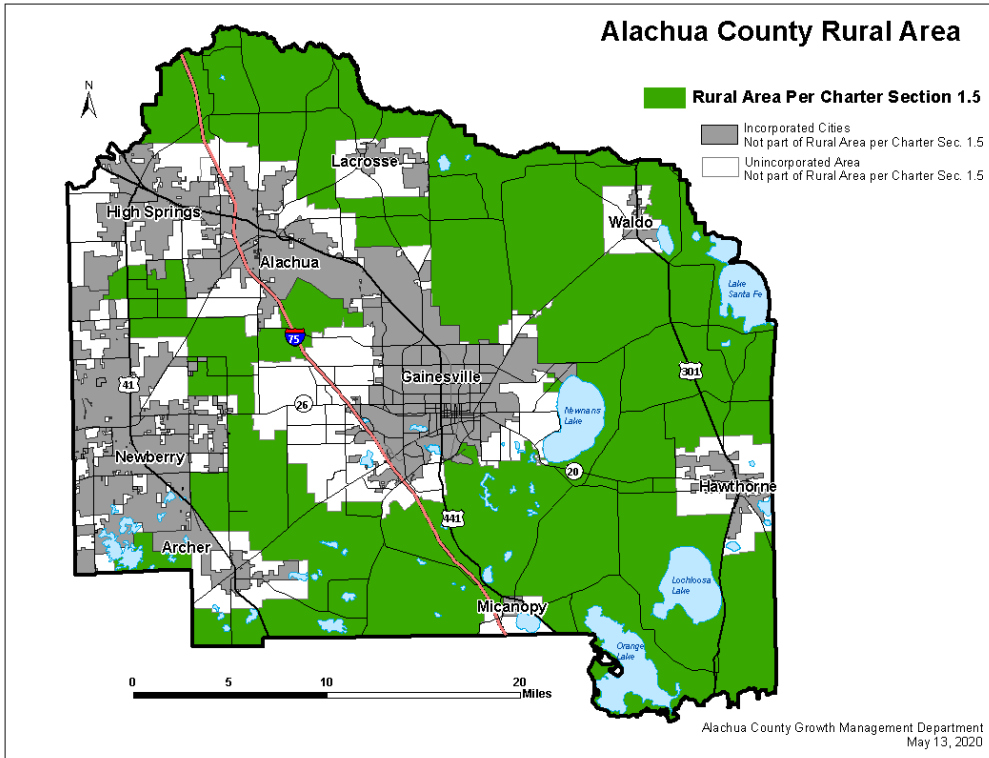
172 (Res. No. 00-116, § 2, 12-12-00)

173
174 B. There is hereby established a “Rural Area” as delineated on the map titled “Alachua
175 County Rural Area” dated May 13, 2020, filed in the official records of the Clerk of
176 the Board of County Commissioners.

177
178 C. Effective countywide, the Alachua County Comprehensive Plan and land
179 development regulations shall govern the development of land within the “Rural
180 Area” of Alachua County, as that area is defined in Subsection B, regardless of
181 whether some or all of that area is located within a municipality.

182
183 D. The Board of County Commissioners may, by ordinance, remove areas from the
184 “Rural Area” provided that such removal and any associated amendment of the
185 applicable comprehensive plan for the area to be removed takes into consideration
186 the important County purposes of preserving rural and agricultural lands,
187 discouraging urban sprawl, and protecting areas with natural resource value. Once
188 an area is removed from the “Rural Area”, it is no longer subject to the provisions of
189 Subsection C. Nothing herein shall authorize the County Commission to expand the
190 “Rural Area” beyond that area described in Subsection B above.
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192 E. The Board of County Commissioners may enact ordinances to implement this
193 Section. This Section and any implementing County ordinances shall prevail over
194 conflicting municipal ordinances.



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