



## Legislation Details (With Text)

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**On agenda:** 5/26/2020      **Final action:**  
**Title:** Public Hearing on Proposed Charter Amendment Regarding County Land Use Planning for Rural Area.

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Ordinance\_Charter Amendment Section 1.5 Land Use\_5-26-2020 Public Hearing.pdf, 2. Presentation\_Charter Amendment Land Use Section 1.5\_5-26-2020.pdf, 3. Map Options.pdf

Date	Ver.	Action By	Action	Result
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**Agenda Item Name:**

Public Hearing on Proposed Charter Amendment Regarding County Land Use Planning for Rural Area.

**Presenter:**

Ben Chumley, Senior Planner, Growth Management

**Description:**

This is a public hearing to consider a proposed ordinance amending Section 1.5 of the Alachua County Home Rule Charter regarding land use planning. The proposed amendment, if approved by a majority of the electors of Alachua County voting in a referendum in November, 2020, would establish a Rural Area for comprehensive planning in Alachua County within which the County's Comprehensive Plan and land development regulations would apply, regardless of whether that area is within a municipality. In accordance with Section 4.2(C) of the Alachua County Charter, the Board of County Commissioners would need to approve the proposed ordinance by a supermajority vote in order for the proposed Charter amendment to be placed on the ballot.

**Recommended Action:**

Adopt the attached ordinance approving the proposed amendment language to Section 1.5 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.

**Prior Board Motions:**

**March 3, 2020 BoCC Meeting:**

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 after annexation) while retaining County protection for natural resources.

#### **April 14, 2020 BoCC Meeting:**

1. Direct staff to advertise public hearings for both the draft ordinances provided County Land Use Planning for Rural Area and the relation of County Ordinances to municipal ordinances for the Protection of Natural Resources.
2. Schedule the Public Hearings after the Charter Review Commission (CRC) has taken a position on the issue and to encourage them to expedite the issue if possible.

#### **Fiscal Consideration:**

If the proposed Charter amendment is approved by a supermajority of the Board and passes in the November referendum, it is not likely to have a significant fiscal impact on the County’s operations because the “Rural Areas” of the County that would be subject to the proposed Charter amendment are all currently unincorporated and are therefore subject to the County’s Comprehensive Plan and land development regulations today. Under the proposed Charter amendment, those areas would continue to be subject to the County’s Comprehensive Plan and land development regulations as implemented through the County’s land use and development review processes.

#### **Background:**

The Alachua County Charter Review Commission (CRC) has also moved forward with public hearings on a proposed Charter amendment regarding land use planning, as well as several other proposed amendments. The CRC requires 3 public hearings on any proposed Charter amendment, and those hearings are scheduled for May 13<sup>th</sup>, May 27<sup>th</sup> and June 10<sup>th</sup>. The County Charter provides that any proposed Charter amendment that has been favorably voted upon by a majority of the CRC members will then be forwarded to the Board of County Commissioners, and then the Board shall, by resolution, place such proposed amendments on the general election ballot. Given the CRC’s public hearing schedule, the Board will not know the CRC’s final action on its proposed Charter amendments until after the final CRC public hearing scheduled for June 10<sup>th</sup>. June 12<sup>th</sup> is the deadline to notify the Supervisor of Elections of the number of proposed items to be placed on the November ballot.

The CRC proposed amendment on land use planning is similar in many respects to the County Commission’s proposed amendment, with a couple of exceptions. The most significant similarity is that both the CRC and County Commission proposed amendments are based on the same map, known as “Map 2A”, showing the areas within which the County’s Comprehensive Plan and land development regulations would apply even if those areas were to be annexed in the future.

Among the key differences in the two proposals are that the County Commission’s proposal refers to this area as the “Rural Area” (as in Seminole County’s approach), while the CRC proposal refers to it as the “County Growth Management Area”. More significantly, the County Commission’s proposal contains language that articulates factors for consideration by the Board in the removal of areas from the Charter Rural Area, whereas the CRC version does not contain such factors. Also, the County Commission’s proposal would require a simple majority vote for the removal of areas from the Charter Rural Area, while the CRC version would require a supermajority vote.

