

ORDINANCE NO: 2010-005

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
GADSDEN COUNTY, FLORIDA ADOPTING A CITIZENS GROWTH
MANAGEMENT AND PLANNING BILL OF RIGHTS**

WHEREAS the Gadsden County Board of County Commissioners seeks to have more Citizen participation into the Comprehensive Plan Amendment process;

WHEREAS the Gadsden County Board of County Commissioners seeks to have more Citizen input into the Land Development process as it relates to major subdivisions;

WHEREAS the Citizens of Gadsden County should be provided the opportunity to participate in the Comprehensive Plan Amendment process and the Major Subdivision Process;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN, FLORIDA THAT SECTION 7001 OF THE GADSDEN COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED AS FOLLOWS:

Section 7001.1 This section established additional requirements for Comprehensive Plan Amendments and Major Land Development Reviews including but not limited to variances, special Exceptions, major Site Plans and major Subdivision in Gadsden County. All small scale and large scale Comprehensive Plan Amendments and Major Land Development Reviews shall comply with the following requirements:

- A. Mandated Citizen Participation Plan--Developers must prepare a citizen participation plan and notify by mail and newspaper impacted property owners and neighborhood associations within one half mile of the development site property boundaries. The Growth Management Department must verify that proper notification has occurred. The Developer shall conduct workshops with citizens impacted to identify all issues of concern prior to any public hearing. The developer must present to the Planning Commission and Board of County Commissioners a list of all issues raised, and indicate if and how they were resolved. Unresolved issues then become the focus of P & Z and BOCC discussion.
- B. Neighborhood Participation—Gadsden County's Department of Planning and Community Development Department (Department) must compile a list of all valid neighborhood associations (with contact person) operating within the unincorporated areas. Within 10 business days of the filing of

any applications or proposals filed for comprehensive plan amendments or land development regulations, the Department shall notify potentially impacted neighborhood associations of such filings. Prior to submittal to DCA of plan amendments that would change future land use map a Community or neighborhood meeting must be held 30 calendar days before the application is filed and the application must verify that the meeting was held. A second Community or Neighborhood meeting must be held 15 business days before the amendment adoption hearing after review by DCA.

- C. Seven Day "Cooling Off" Period--Plan amendments cannot be changed in the seven (7) business days prior to the advertised public hearing. This will allow the citizens, commissioners, and others to fairly evaluate the document. If the plan amendment is revised within that period, the hearing will be postponed unless all affected parties agree otherwise. Any material changes to proposed plan amendments must be submitted and made available to the public at least five (5) business days prior to the hearing at the adoption stage.
- D. "Super Majority"--Votes for ALL COMPREHENSIVE PLAN amendments, and Major Land Development Reviews including but not limited to variances, special exceptions, major site plans and major subdivision shall require a "super majority" vote of the BOCC. A super majority vote of the BOCC is required to amend or repeal this ordinance.
- E. All comprehensive land use map changes and site development applications shall protect Gadsden County Environmental Resources as identified in and in compliance with the adopted Comprehensive Plan requirements and Land Development Code.
- F. "No Free Density"--The conversion of rural and agricultural land to urban density--in the form of compact, walkable, mixed use communities in appropriate locations--shall only be undertaken where land for significant public benefit is offered in fair and equitable exchange. This shall include the permanent preservation of natural and agricultural lands and open spaces;
- G. "Establish Reasonable Urban Service Boundaries" --County government will work with the municipalities and other appropriate parties to establish reasonable urban services boundaries within the DCA mandated timeframe of 2014;

Section 2: **SEVERABILITY**

In accordance with Section 1-9 of the Gadsden County Code of Ordinance, the sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance and all provisions are severable so that if any section,

subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, sentence, clause and phrase of this Ordinance for the Board of County Commissioners declares that it is its intent that it would have enacted this Ordinance without such invalid or unconstitutional provision(s).

Section 3: **EFFECTIVE DATE; FILING WITH DEPARTMENT OF STATE**

This ordinance shall take effect upon filing with the Department of State.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Gadsden County, Florida by a vote of 4 to 0, this 4th day of May, 2010.

BOARD OF COUNTY
COMMISSIONERS OF GADSDEN
COUNTY, FLORIDA

By: Eugene Lamb, Jr.
EUGENE LAMB, JR., Chairman

Nicholas Thomas
Clerk of the Circuit Court