

**Gadsden County Land Development Code
Citizens Bill of Rights**

Subsection 7001.1	Necessary Corrections	Comments
<p>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.</p>	<p>Gadsden County does not have "major site plans" or "major land development reviews".</p>	<p>Is the intent to require this for all comprehensive plan amendments, or to apply to map amendments? A text amendment may or may not impact a particular property but be a county-wide policy. The Land Development Code refers to major development orders (Sec. 1303) and major subdivisions (Sec. 5605, 6002, 6200). Consider deletion of last sentence for clarity.</p>
<p>A. Mandated Citizen Participation Plan</p>		
<p>Developers must prepare a citizen participation plan</p>	<p>Not all applicants are developers. Replace "developers" with "applicants".</p>	<p>The steps that should be taken (notification, conduct the workshop) are outlined. Need to identify what the purpose is in the citizen participation plan. If retained, identify at what point in the timeline this is prepared.</p>
<p>Developers must notify by mail and newspaper impacted property owners and neighborhood associations within on half mile</p>	<p>Not all applicants are developers. Replace "developers" with "applicants". Need to define what an impact is.</p>	<p>What is an impact/who is an impacted property owner? Recommend adding language to outline notice requirement format, timing, etc.</p>
<p>Growth Management Department must verify that proper notification has occurred</p>	<p>Change to correct department or division name.</p>	<p>A method to verify proper notification has occurred is needed to clarify this requirement. This can be achieved by requiring applicant to send notices with a certificate of mailing. According to the USPS website: "Have evidence that you send the item when you say you did. This official record shows the date your mail was presented to USPS for mailing." The current price is \$1.40 per letter. Certified Mail is \$3.45 per letter. Certified Mail allows the applicant to see a delivery attempt was made.</p>

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Developer shall conduct workshops with citizens impacted to identify all issues of concern prior to any public hearing	Replace "developers" with "applicants". Need to define what an impact is.	Note the meeting is referred to as a workshop. Use this term throughout for consistency. Consider timing requirements for workshop.
The developer must present to the Planning Commission and BOCC a list of all issues raised, and indicate if and how they were resolved.	Replace "developers" with "applicants".	Consider replacing "list" with "report".
Unresolved issues then become the focus of the P&Z and BOCC discussion.		Consider removing this as the focus, as a public hearing should be open to subject matter. These issues are included in the aforementioned report.
B. Neighborhood Participation		
Department of Planning and Community Development must compile a list of all valid neighborhood associations (with contact person).	The County does not maintain a list of neighborhood associations. Neighborhood associations are not a government function. Contact persons change often in neighborhood associations.	Consider removing this requirement since the County does not have these records.
Within 10 business days of the filing of any application or proposal filed for comprehensive plan amendments or land development regulations, the Department shall notify potentially impacted neighborhood associations of such filings.	Same comments as above.	Same comments as above.
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.	"DCA" should be amended to "DEO". Refer to the meeting as "workshop" for consistency. Define at what stage this occurs; prior to transmittal hearing or adoption hearing.	This requirement only applies to plan amendments. This is covered in requirements in Part A above for all meetings.
A second community or neighborhood meeting must be held 15 days before the amendment adoption hearing after review by DCA.	"DCA" should be amended to "DEO". Refer to the meeting as "workshop" for consistency.	Consider the intent/resolve of this requirement. This would not allow time for any comments as a result of the meeting to be included in BOCC packets.

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C. Seven Day "Cooling Off" Period		
<p>Plan amendments cannot be changed in the seven (7) business days prior the advertised public hearing. This will allow the citizens, commissioners, and others to fairly evaluate the document.</p>		<p>Clarify if this only applies to the adoption hearing, as mentioned in the last section. Any change with only seven days notice prior to a public hearing may not be received in time for adequate distribution to the hearing body (weather P&Z or BOCC) advertised hearing. Recommend only allowing changes at the public hearing.</p>
<p>If the plan amendment is revised within that period, the hearing will be postponed unless all affected parties agree otherwise.</p>	<p>Define "affected" party.</p>	<p>How is the agreement made?</p>
<p>Any material changes to the 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.</p>		<p>Conflicts with "plan amendments cannot be changed in the seven (7) business days prior to the advertised public hearing". Consider how the application was advertised vs. how it was changed since there will not be time to readvertise prior to hearing.</p>
D. Super Majority Vote		
<p>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.</p>	<p>Clarify if this applies to all plan amendments or for map amendments.</p>	<p>This section is written as if variances, special exceptions, major site plans and major subdivision (sic) are considered major land development reviews. If so, insert as a definition into Chapter 2.</p>
<p>A super majority vote of the BOCC is required to amend or appeal this ordinance.</p>		
E. (no header) Environmental Protection issue		

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<p>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.</p>	<p>"Environmental Resources" are not defined. The Plan refers to "environmentally sensitive" lands and defines them in Policy 5.2.1.</p>	<p>This is a statement of law. All development within Gadsden County must follow the adopted Comprehensive Plan and Land Development Code.</p>
<p>F. No Free Density</p>		
<p>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.</p>	<p>Define "appropriate locations".</p>	<p>This is a deterrent to promoting best development practices. Creating compact, mixed use developments should be incentivized and not be regarded as an aside to "fair and equitable exchange" of land for public benefit.</p>
<p>This shall include the permanent preservation of natural and agricultural lands and open spaces</p>	<p>This statement infers that no lands should be converted from the Agriculture Future Land Use category. What is considered "natural" and "open space"? Needs clarification.</p>	
<p>G. Establish Reasonable Urban Services Boundaries</p>		
<p>County government will work with the municipalities and other appropriate parties to establish reasonable urban services boundaries within the DCA mandated timeframe of 2014.</p>	<p>DCA should be amended to "DEO".</p>	<p>This has not occurred. Urban services boundaries are established in part to determine future annexations and/or infrastructure services areas for a particular city.</p>