

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: HOME RULE CHARTER AMENDMENT

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: April Boswell EXT. 7339

Agenda Date <u>07/27/04</u>	Regular <input checked="" type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

Authorize advertisement for a public hearing to consider an ordinance proposing amendments to the Seminole County Home Rule Charter, through referendum vote, that will establish an Urban/Rural Boundary, define Rural Lands and provide authority to amend said boundary and land use determination authority for all Rural Lands to the Board of County Commissioners.

District: Countywide

April Boswell, Senior Planner

BACKGROUND:

In 1991, the Board of County Commissioners established an Urban/Rural Boundary which was incorporated into the Vision 2020 Comprehensive Plan. This Boundary established delineation between the Urban Services Area (land west of the Boundary) and the East Rural Area (land generally east of the Boundary). The East Rural Area was defined predominantly with three rural land use designations: Rural-3; Rural-5 and Rural-10, and three zoning classifications: Agriculture-3; Agriculture-5; and Agriculture-10, which limit densities to one dwelling unit per three, five and ten acres respectively. These designations were created to preserve rural character, recognize an existing water and sewer service area in the Urban Services Area, and sustain a way of life prevailing in the East Rural Area, also defined as the Rural Lands. Subsequently, the Boundary was amended in 1994 and 1999, increasing the urban lands in the County. Further, lands east of the Boundary have also been annexed by municipalities. The integrity of the Rural Lands is subject to unchecked urbanization unless there is a mechanism by which these Rural Lands can be sustained. The proposed ordinance provides this mechanism.

Reviewed by: _____
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. <u>RPDP04</u>

Analysis of proposed Charter amendment:

- Will preserve rural character desired by citizens of Seminole County in the Rural Lands
- Will continue to enable property owner's rights to develop
- Will not change the Urban/Rural boundary as currently drawn
- Will solidify the Urban/Rural Boundary and establish charter authority for amendment
- Will not prevent municipalities rights to annex
- Is consistent with the Seminole County Comprehensive Plan and Land Development Code

Charter Amendment Process:

1. The Board of County Commissioners authorizes advertising of a public hearing for the enclosed ordinance for charter amendment.
2. The Board of County Commissioners considers and approves the proposed charter amendment ordinance which authorizes a referendum vote.
3. Referendum ballot is voted on by electors November 2, 2004.
4. If a majority of voters approve the charter amendment, the following provisions will become effective November 3, 2004:
 - the Urban/Rural Boundary map and legal description will be included in the Future Land Use Element of the Comprehensive Plan;
 - the Urban/Rural Boundary may only be amended through a majority vote by the Board of County Commissioners and;
 - all changes to future land use designations for all Rural Lands must be approved by the Board of County Commissioners, whether the subject properties are incorporated or unincorporated, after the effective date.

Two versions of the proposed ordinance are provided for the Board's consideration. One is applicable to all Rural Lands, whether unincorporated or incorporated and the second version grandfathers properties that have been annexed into a municipality prior to August 10, 2004, so that the respective municipality retains land use authority over such grandfathered properties.

STAFF RECOMMENDATION:

Authorize advertisement to hold a public hearing to consider the proposed ordinance.

District

Attachments: Home Rule Charter Amendment Ordinances (2 versions)

Public Hearing Notice

Urban/Rural Boundary Map

NOTICE

NOTICE is hereby given that the Board of County Commissioners of Seminole County, Florida, intends to hold a public hearing to consider the enactment of an ordinance entitled:

AN ORDINANCE PROPOSING AMENDMENTS TO THE SEMINOLE COUNTY HOME RULE CHARTER; DESCRIBING PURPOSE AND INTENT; PROPOSING TO AMEND ARTICLE I, SECTION 1.4 OF THE HOME RULE CHARTER TO ALLOW CERTAIN COUNTY REGULATIONS TO SUPERSEDE CONFLICTING MUNICIPAL REGULATIONS; PROPOSING TO CREATE ARTICLE V, SECTION 1.2 OF THE HOME RULE CHARTER TO ESTABLISH AN URBAN/RURAL BOUNDARY, DEFINE THE TERM RURAL LANDS, ALLOW THE BOARD OF COUNTY COMMISSIONERS TO AMEND THE URBAN/RURAL BOUNDARY, PROVIDE THAT THE FUTURE LAND USE DESIGNATIONS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN CONTROL THE DENSITY AND INTENSITY OF DEVELOPMENT OF THE RURAL LANDS, REQUIRE COMMISSION APPROVAL OF ALL CHANGES TO THE FUTURE LAND USE DESIGNATIONS OF RURAL LANDS, REGARDLESS OF MUNICIPAL ANNEXATION, PROVIDE FOR IMPLEMENTING ORDINANCES AND SUPERSEDING CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR A REFERENDUM REGARDING THESE CHARTER AMENDMENTS; PROVIDING FOR CODIFICATION AND SEVERABILITY AND CONDITIONING THE EFFECTIVENESS OF THE PROPOSED CHARTER AMENDMENTS UPON VOTER APPROVAL AT A REFERENDUM.

at 1:30 p.m., or as soon thereafter as possible, at its regular meeting on the 10th day of August, 2004, at the Seminole County Services Building, 1101 East First Street, Commission Chambers, Sanford, Florida. The proposed ordinance may be inspected by the public at the office of the Clerk of the Board of County Commissioners, Room 2204, Seminole County Services Building. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and, for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information regarding this notice contact Matt West, Planning Director at (407)665-7353.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department ADA Coordinator 48 hours in advance of the meeting at (407) 665-7941.

Publish:

Invoice & Proof of Publication to: Sharon Peters
County Manager's Office
1101 East First Street
Sanford, Florida 32771
(407) 665-7211

Contact Person and Account Number: Sharon Peters

AN ORDINANCE PROPOSING AMENDMENTS TO THE SEMINOLE COUNTY HOME RULE CHARTER; DESCRIBING PURPOSE AND INTENT; PROPOSING TO AMEND ARTICLE I, SECTION 1.4 OF THE HOME RULE CHARTER TO ALLOW CERTAIN COUNTY REGULATIONS TO SUPERSEDE CONFLICTING MUNICIPAL REGULATIONS; PROPOSING TO CREATE ARTICLE V, SECTION 1.2 OF THE HOME RULE CHARTER TO ESTABLISH AN URBAN/RURAL BOUNDARY, DEFINE THE TERM RURAL LANDS, ALLOW THE BOARD OF COUNTY COMMISSIONERS TO AMEND THE URBAN/RURAL BOUNDARY BY ORDINANCE, PROVIDE THAT THE FUTURE LAND USE DESIGNATIONS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN CONTROL THE DENSITY AND INTENSITY OF DEVELOPMENT OF THE RURAL LANDS, REQUIRE COMMISSION APPROVAL OF ALL CHANGES TO THE FUTURE LAND USE DESIGNATIONS OF RURAL LANDS, REGARDLESS OF MUNICIPAL BOUNDARIES, PROVIDE FOR IMPLEMENTING ORDINANCES AND SUPERSEDING CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR A REFERENDUM REGARDING THESE CHARTER AMENDMENTS; PROVIDING FOR CODIFICATION AND SEVERABILITY AND CONDITIONING THE EFFECTIVENESS OF THE PROPOSED CHARTER AMENDMENTS UPON VOTER APPROVAL AT A REFERENDUM.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings and Declaration of Intent.

(a) The Board of County Commissioners of Seminole County (the "Board") recognizes that the eastern portion of Seminole County is largely rural in character, consisting primarily of farms, agricultural uses and a limited number of residences. The Board further recognizes that the residents of the eastern portion of Seminole County have intentionally chosen a rural lifestyle, characterized by large residential lots, limited

traffic flow, few stoplights, little or no commercial development and limited urban amenities, such as water and sewer services. Many residents of this area have expressed to the Board their desire to maintain this rural lifestyle and rural landscape.

(b) It is essential to the preservation of the rural landscape and lifestyle to ensure that land development in this area does not exceed the intensity or density prescribed for rural development as indicated in Seminole County's existing land use designations.

(c) Overly intense or dense development will adversely impact existing drainage and roadway systems, some of which are already overtaxed. Further, certain properties in the eastern rural area are low lying with high water tables. As such, overly intense development of these properties would likely create adverse impacts and expense to neighboring properties.

(d) To preserve the existing rural lifestyle and rural landscape of eastern Seminole County there is a need to limit the provision of urban services and intensity of development. To accomplish that purpose, the Board has adopted and designated an Urban/Rural Boundary in the Seminole County Comprehensive Plan. Pursuant to the Comprehensive Plan, development on the eastern side of this boundary is subject to land use regulations limiting density and intensity of use and limiting the provision

of certain urban services, such as, for example and not as a limitation, central water and sewer systems.

(e) There are many properties located on the eastern side of the Urban/Rural Boundary which abut municipalities and are therefore subject to municipal annexation in the near future. It is the Board's intent to avoid future disputes between and among the County, the various municipalities and property owners regarding annexation and development of such properties. In that regard, the County seeks to clarify and preserve its authority over the density and intensity of development of all properties located on the eastern side of the Urban/Rural Boundary, regardless of whether such properties are within unincorporated Seminole County or a municipality.

(f) The Board recognizes that changing circumstances may require alteration of the Urban/Rural Boundary. Accordingly, there is provision made for alteration of the Urban/Rural Boundary, without need of further charter amendment, by county ordinance.

(g) Pursuant to the Seminole County Home Rule Charter, Article IV, Section 4.2(C), the Board may propose a Charter amendment for referendum vote by passing an ordinance relating to such amendment by a majority vote of the Board.

Section 2. Amendment to Article I of the Seminole County Home Rule Charter. Article I, Section 1.4 of the Seminole County Home Rule Charter is hereby amended to read as follows:

Section 1.4. Relation to Municipal Ordinances.

Except as provided in Article V, Section 1.2 of this Charter, Municipal ordinances shall prevail over County ordinances to the extent of any conflict.

Section 3. Amendment to Article V of the Seminole County Home Rule Charter. Article V, Section 1.2 is hereby created to read as follows:

Section 1.2. Urban/Rural Boundary.

a. There is hereby established an Urban/Rural Boundary running in a generally north south direction as more specifically delineated on that certain map titled "URBAN/RURAL BOUNDARY MAP" and dated July 20, 2004, and as described in that certain legal description titled "LEGAL DESCRIPTION FOR URBAN/RURAL BOUNDARY" and dated July 20, 2004, both of which are on file in the official records of the Clerk of the Board of County Commissioners. "Rural Lands" are in the eastern part of the county and are typically east of the Urban/Rural Boundary, except in those areas where the Urban/Rural Boundary creates pockets or peninsulas and some Rural Lands may actually lie west of one part of the Urban/Rural Boundary and east of another part. After the effective date of this section the Future Land

Use Element of the Seminole County Comprehensive Plan shall include a copy of the map and legal description.

b. The Board of County Commissioners may amend the Urban/Rural Boundary by ordinance whenever, in the opinion of the Board, such a change is necessary.

c. From and after the effective date of this section the future land use designations contained in the Seminole County Comprehensive Plan shall control the density and intensity of development on all Rural Lands, as that term is defined in subsection a. above. The Board of County Commissioners must approve all changes to the future land use designations of all Rural Lands, regardless of whether some or all of the Rural Lands are located within a municipality.

d. The Board of County Commissioners may enact ordinances to implement this section. Municipal ordinances in conflict with this section or any implementing county ordinance are superseded to the extent of such conflict.

Section 4. Referendum.

(a) The Supervisor of Elections of Seminole County is hereby authorized and directed to place on the ballot for the General Election to be held on November 2, 2004, the following ballot title and question:

CHARTER AMENDMENT ESTABLISHING URBAN/RURAL BOUNDARY AND PREEMPTING MUNICIPAL LAND USE AUTHORITY OVER RURAL LANDS.

Shall the Home Rule Charter be amended to designate an Urban/Rural Boundary; delineate urban lands from rural lands; authorize future changes to the Boundary by County ordinance; grant said Board the final authority over the Future Land Use Designations of all rural lands, incorporated or unincorporated, based upon the Seminole County Comprehensive Plan; authorize implementing ordinances, and provide that the Charter and implementing ordinances supersede conflicting municipal ordinances.

Yes _____

No _____

(b) Notice of such referendum shall comply with all requirements of the Seminole County Home Rule Charter, Article IV, Section 4.2(c) and Chapter 100, Florida Statutes.

Section 5. Codification. Sections 2 and 3 of this Ordinance shall be codified in the Seminole County Home Rule Charter if approved by referendum. No other sections of this Ordinance shall be codified.

Section 6. Severability. If any provision of this Ordinance is for any reason held by a court to be unconstitutional, invalid, or void, it is the intent of the Board that such ruling shall not affect other provisions of this Ordinance which can be given effect without the invalid

provision, and to such end, the provisions of this Ordinance are declared severable.

Section 7. **Effective Date.** Sections 1,4,5,6 and 7 of this Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners. Sections 2 and 3 of this Ordinance shall take effect on November 3, 2004 if approved by a majority of voters at referendum.

ENACTED this _____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

SPL
07/23/04
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AN ORDINANCE PROPOSING AMENDMENTS TO THE SEMINOLE COUNTY HOME RULE CHARTER; DESCRIBING PURPOSE AND INTENT; PROPOSING TO AMEND ARTICLE I, SECTION 1.4 OF THE HOME RULE CHARTER TO ALLOW CERTAIN COUNTY REGULATIONS TO SUPERSEDE CONFLICTING MUNICIPAL REGULATIONS; PROPOSING TO CREATE ARTICLE V, SECTION 1.2 OF THE HOME RULE CHARTER TO ESTABLISH AN URBAN/RURAL BOUNDARY, DEFINE THE TERM RURAL LANDS, ALLOW THE BOARD OF COUNTY COMMISSIONERS TO AMEND THE URBAN/RURAL BOUNDARY BY ORDINANCE, PROVIDE THAT THE FUTURE LAND USE DESIGNATIONS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN CONTROL THE DENSITY AND INTENSITY OF DEVELOPMENT OF THOSE RURAL LANDS LYING OUTSIDE MUNICIPALITIES AS OF AUGUST 10, 2004, REQUIRE COMMISSION APPROVAL OF ALL CHANGES TO THE FUTURE LAND USE DESIGNATIONS OF RURAL LANDS, REGARDLESS OF FUTURE MUNICIPAL ANNEXATION, PROVIDE FOR IMPLEMENTING ORDINANCES AND SUPERSEDING CONFLICTING MUNICIPAL ORDINANCES; PROVIDING FOR A REFERENDUM REGARDING THESE CHARTER AMENDMENTS; PROVIDING FOR CODIFICATION AND SEVERABILITY AND CONDITIONING THE EFFECTIVENESS OF THE PROPOSED CHARTER AMENDMENTS UPON VOTER APPROVAL AT A REFERENDUM.

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traffic flow, few stoplights, little or no commercial development and limited urban amenities, such as water and sewer services. Many residents of this area have expressed to the Board their desire to maintain this rural lifestyle and rural landscape.

(b) It is essential to the preservation of the rural landscape and lifestyle to ensure that land development in this area does not exceed the intensity or density prescribed for rural development as indicated in Seminole County's existing land use designations.

(c) Overly intense or dense development will adversely impact existing drainage and roadway systems, some of which are already overtaxed. Further, certain properties in the eastern rural area are low lying with high water tables. As such, overly intense development of these properties would likely create adverse impacts and expense to neighboring properties.

(d) To preserve the existing rural lifestyle and rural landscape of eastern Seminole County there is a need to limit the provision of urban services and intensity of development. To accomplish that purpose, the Board has adopted and designated an Urban/Rural Boundary in the Seminole County Comprehensive Plan. Pursuant to the Comprehensive Plan, development on the eastern side of this boundary is subject to land use regulations limiting density and intensity of use and limiting the provision

of certain urban services, such as, for example and not as a limitation, central water and sewer systems.

(e) There are many properties located on the eastern side of the Urban/Rural Boundary which abut municipalities and are therefore subject to municipal annexation in the future. It is the Board's intent to avoid future disputes between and among the County, the various municipalities and property owners regarding annexation and development of such properties. In that regard, the County seeks to clarify and preserve its authority over the density and intensity of development of all properties located on the eastern side of the Urban/Rural Boundary, regardless of whether such properties are within unincorporated Seminole County or annexed into a municipality after the effective date of the charter amendment proposed by this ordinance, if approved by a vote of the electorate.

(f) The Board recognizes that changing circumstances may require alteration of the Urban/Rural Boundary. Accordingly, there is provision made for alteration of the Urban/Rural Boundary, without need of further charter amendment, by ordinance.

(g) The Board acknowledges that certain properties lying in the Rural Lands, as that term is hereafter defined, were annexed into municipalities before the adoption of this ordinance. The Board does not wish to include those properties

within the operation of the proposed charter amendment, if approved by the electorate, however, the Board does not wish to create an incentive to commence annexation proceedings in order to avoid application of the proposed charter amendment. Accordingly, the proposed charter amendment shall not apply to properties lying within the Rural Lands, as that term is hereafter defined, already annexed into municipalities as of August 10, 2004. The proposed charter amendment shall apply to all properties lying in the unincorporated areas of the Rural Lands on August 10, 2004, even if annexation proceedings have been commenced but not completed as of that date.

(h) Pursuant to the Seminole County Home Rule Charter, Article IV, Section 4.2(C), the Board may propose a Charter amendment for referendum vote by passing an ordinance relating to such amendment by a majority vote of the Board.

Section 2. Amendment to Article I of the Seminole County Home Rule Charter. Article I, Section 1.4 of the Seminole County Home Rule Charter is hereby amended to read as follows:

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b. The Board of County Commissioners may amend the Urban/Rural Boundary by ordinance whenever, in the opinion of the Board, such a change is necessary.

c. From and after the effective date of this section the future land use designations contained in the Seminole County

Comprehensive Plan shall control the density and intensity of development on all Rural Lands, as that term is defined in subsection a. above, lying outside municipalities as of August 10, 2004. The Board of County Commissioners must approve all changes to the future land use designations of all Rural Lands subject to this section, regardless of whether some or all of those Rural Lands are annexed into a municipality after August 10, 2004.

d. The Board of County Commissioners may enact ordinances to implement this section. Municipal ordinances in conflict with this section or any implementing county ordinance are superseded to the extent of such conflict.

Section 4. Referendum.

(a) The Supervisor of Elections of Seminole County is hereby authorized and directed to place on the ballot for the General Election to be held on November 2, 2004, the following ballot title and question:

CHARTER AMENDMENT ESTABLISHING URBAN/RURAL BOUNDARY
AND PREEMPTING MUNICIPAL LAND USE AUTHORITY OVER RURAL
LANDS.

Shall the Home Rule Charter be amended to designate an Urban/Rural Boundary; delineate urban from rural lands; authorize future changes to the Boundary by County ordinance; grant the County final authority over the Future Land Use Designations of all rural lands lying outside municipalities as

of August 10, 2004, based upon the Seminole County Comprehensive Plan; authorize implementing ordinances, and provide that the Charter and implementing ordinances supersede conflicting municipal ordinances.

Yes _____

No _____

(b) Notice of such referendum shall comply with all requirements of the Seminole County Home Rule Charter, Article IV, Section 4.2(c) and Chapter 100, Florida Statutes.

Section 5. Codification. Sections 2 and 3 of this Ordinance shall be codified in the Seminole County Home Rule Charter if approved by referendum. No other sections of this Ordinance shall be codified.

Section 6. Severability. If any provision of this Ordinance is for any reason held by a court to be unconstitutional, invalid, or void, it is the intent of the Board that such ruling shall not affect other provisions of this Ordinance which can be given affect without the invalid provision, and to such end, the provisions of this Ordinance are declared severable.

Section 7. Effective Date. Sections 1,4,5,6 and 7 of this Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners. Sections 2 and 3 of this Ordinance shall take

effect on November 3, 2004 if approved by a majority of voters
at referendum.

ENACTED this _____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA






By: _____
DARYL G. MCLAIN, Chairman

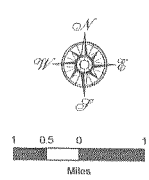
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07/23/04
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Urban/Rural Boundary Map

July 20, 2004

Legend

-  Urban/Rural Boundary
-  Section Lines
-  Twp/Rng Lines
-  Airport
-  Navigable Water



URBAN

RURAL

