

COUNTY GROWTH MANAGEMENT AREA (GMA) CHARTER AMENDMENT
DRAFT OUTLINE OF IMPLEMENTATION PROCEDURES

A. MONITORING OF ANNEXATION ACTIVITY WITHIN COUNTY GROWTH MANAGEMENT AREA AND COORDINATION WITH MUNICIPALITIES

The new Charter language provides, in Section 1.5.B(2) that, "...the comprehensive plan and land development regulations of Alachua County shall exclusively govern the development of lands lying within the County Growth Management Area, regardless of whether some or all of the lands lying within the County Growth Management Area are located or subsequently annexed into a municipality." The Charter does not prohibit municipalities from annexing lands within the County Growth Management Area, but if they do, the County's Comprehensive Plan and land development regulations would govern development on those lands. Therefore, close coordination and communication with the municipalities will be essential beginning with any proposed annexation of lands within the County Growth Management Area.

County staff recommends the following procedures for monitoring and coordinating with municipalities regarding any proposed annexation of lands within the County Growth Management Area:

1. County staff will monitor and track all annexations within the County Growth Management Area to ensure that the Charter provisions are being implemented in coordination with the municipalities.
2. When the County receives notice from a municipality, or becomes aware of, a proposed annexation of property within the County Growth Management Area:
 - a. The County Manager or designee will send a letter to the municipality to inform them that the property proposed to be annexed is located within the County Growth Management Area, and that pursuant to the County Charter, the County's comprehensive plan and land development regulations govern any development of land on that property. The letter will contain the following:
 - Information about the County's comprehensive plan and land development regulations that apply to that property (e.g., future land use designation, zoning, allowable land uses, density, intensity, development standards, and natural resource protection standards).
 - Information about the County's procedures for processing any future land use map amendments, zoning actions, development plan applications, and building permits for the property that may be proposed in the future.
 - A request that the municipality include the letter in the record of the public hearing on the annexation.

B. REMOVAL OF PROPERTY FROM COUNTY GROWTH MANAGEMENT AREA

The Alachua County Charter, Section 1.5.B.(1), provides that: "...The Board of County Commissioners may, by ordinance approved by affirmative vote of no less than four commissioners, remove lands from the County Growth Management Area." The following procedures are recommended by County staff to implement this Charter provision:

1. A property owner or a municipality may submit a request to the County to remove property from the County Growth Management Area. The applicant should submit a letter to the County Manager or designee with a map and information about the property proposed to be removed, including any plans for annexation of the property into a municipality. If the applicant is a municipality, an affidavit of consent by the property owner(s) to submit the application is needed. If the applicant is not a municipality, County staff will notify the nearest municipality or municipalities that the application has been received.
2. County staff will provide the letter and relevant background information to the BoCC for consideration at a regular meeting. At that meeting, the BoCC will consider whether to authorize advertisement of a public hearing to consider the request.
3. If so authorized by the BoCC, County staff will schedule and advertise a public hearing and notify the applicant of the hearing date and time. Staff will prepare a draft ordinance for BoCC consideration.
4. BoCC will conduct the public hearing to consider whether to approve the ordinance to remove the property from the County Growth Management Area. If the ordinance is approved by affirmative vote of no less than four commissioners, County staff will update the map of the GMA that is on file in the official records of the Clerk of the Board of County Commissioners.

C. PROPOSED LAND USE, ZONING, AND DEVELOPMENT ACTIONS WITHIN COUNTY GROWTH MANAGEMENT AREA AFTER ANNEXATION

1. Future Land Use Map Amendments within GMA after Annexation:

The Future Land Use Map is a part of the Comprehensive Plan, therefore, any proposed amendment to the Future Land Use Map for a property within the County Growth Management Area would be an amendment to the Alachua County Comprehensive Plan, regardless of whether the property was unincorporated or within a municipality. Proposed amendments to the Alachua County Comprehensive Plan are legislative decisions made by the Board of County Commissioners.

If a property owner wishes to change the Future Land Use Map designation on property that is within the County Growth Management Area and is within a municipality, staff recommends that, based on the new Charter provisions, the applicant should apply to the County for an amendment to the Alachua County Comprehensive Plan. The application would then be processed by the County in accordance with the procedures and standards for comprehensive plan amendments as provided in the Alachua County Comprehensive Plan, land development regulations, and Florida Statutes. Staff further recommends that the County notify the municipality upon receipt of an application for any such proposed amendment. The Board of County Commissioners would be the decision-making body on such applications.

2. Zoning Changes/Special Exceptions/Special Use Permits within GMA after Annexation:

State statute requires that a local government's land development regulations, which include zoning, must be consistent with and implement the local government's comprehensive plan. Alachua County's land development regulations (and those of the municipalities) include procedural and substantive standards for various zoning actions such as zoning changes, special exceptions, and special use permits. Therefore, in accordance with the new Charter provisions, such applications involving property within the County Growth Management Area would need to be consistent with the Alachua County comprehensive plan and the County's land development regulations, regardless of whether the property was unincorporated or within a municipality.

Staff recommends that municipalities retain the authority to process applications for zoning changes, special exceptions, and special use permits for property that is within the municipality and within the County Growth Management Area. The applicable City Commission would be the decision-making body on such applications. Proposed new language in the County's ULDC would require the City to provide a copy of such applications to the County so that County staff may provide technical assistance in evaluating the application for consistency with the Alachua County Comprehensive Plan and land development regulations.

In the event of a conflict between the County's and the City's comprehensive plan and land development regulations with regard to a particular zoning application, the County's comprehensive plan and land development regulations would prevail.

3. Development Plans within GMA after Annexation:

Development plans must be consistent with the comprehensive plan and land development regulations (including zoning) that apply to that property. Therefore, in accordance with the new Charter provisions, development plans on property within the County Growth Management Area would need to be consistent with the Alachua County comprehensive plan and the County's land development regulations, regardless of whether the property was unincorporated or within a municipality.

If a property owner wishes to apply for development plan approval on property within the County Growth Management Area and within a municipality, County staff recommends that they apply to the municipality and that the application proceed in accordance with the City's development review process. Proposed new language in the County's ULDC would require the City to provide a copy of such development plan applications to the County so that County staff may provide technical assistance in evaluating the development plan for consistency with the Alachua County Comprehensive Plan and land development regulations.

4. Building Permits within GMA after Annexation:

According to the County's land development regulations, building permits must be consistent with the County's comprehensive plan, land development regulations, and applicable provisions of the Florida Building Code. Therefore, in accordance with the new Charter provisions, any building permits on property within the County Growth Management Area must be consistent with the County's comprehensive plan and land development regulations regardless of whether the property is located within the unincorporated area or within a municipality.

If a property owner wishes to apply for a building permit on property within the County Growth Management Area and within a municipality, County staff recommends that they apply to the municipality and that the building permit application proceed in accordance with the City's building permit review process. Proposed new language in the County's ULDC would require the City to provide a copy of such building permit application to the County so that County staff may provide technical assistance in evaluating the development plan for consistency with the Alachua County Comprehensive Plan and land development regulations.