



Alachua County Growth Management Department Staff Report

SUBJECT: Proposed amendments to the Alachua County Unified Land Development Code (ULDC) to revise various sections of the Code where needed to implement the provisions of the County Growth Management Area pursuant to Section 1.5 of the Alachua County Home Rule Charter.

CHRONOLOGY BoCC Public Hearing Date: August 24, 2021
BoCC Public Hearing Continuation Date: September 28, 2021

APPLICANT/AGENT: Alachua County Board of County Commissioners

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STAFF RECOMMENDATION: 1. Convene as the Land Development Regulation Commission, and find the proposed amendments consistent with the Alachua County Comprehensive Plan; and

2. Reconvene as the Board of County Commissioners and adopt the ordinance amending the Unified Land Development Code.

Item Summary

The proposed amendments to the Alachua County Unified Land Development Code (ULDC) would amend various sections of the Code as necessary to provide for the implementation of the County Growth Management Area pursuant to the Alachua County Charter. The proposed amendments to the ULDC would recognize the County Growth Management Area, and its effect pursuant to the Alachua County Charter, as part of the ULDC. The proposed amendments specify and clarify the geographic areas where the County's land development regulations apply in accordance with the provisions of the Alachua County Charter. The proposed amendments also establish procedures for development order applications involving land within the County Growth Management Area that is within incorporated cities. The proposed amendments to the ULDC are shown in strike-through/underline format in the draft ordinance which is attached as part of the Board's agenda backup.

Background

In November 2020, the voters of Alachua County approved an amendment to the Alachua County Home Rule Charter to establish the “County Growth Management Area”, which effected the geographic areas of local government jurisdictional authority over land use planning in Alachua County. The County’s Charter now provides that, for those lands lying within the County Growth Management Area, the Alachua County comprehensive plan and land development regulations exclusively govern the development of that land, regardless of whether the property is located inside or outside municipal boundaries. The Charter authorizes the Board to enact ordinances to implement these Charter provisions and provides that the charter and any implementing ordinances shall prevail over conflicting municipal ordinances. The Charter provides for the potential removal of lands from the County Growth Management Area by supermajority approval of an ordinance by the Board of County Commissioners. This Charter amendment went into effect on January 1, 2021.

Summary

Several revisions to the Alachua County Unified Land Development Code (ULDC) are necessary to implement the new County Growth Management Area (GMA) provisions in the County’s Charter. Currently, the ULDC specifies that it is generally applicable within the *unincorporated areas* of Alachua County and within incorporated areas where the municipality has not yet amended its Comprehensive Plan and zoning to assign municipal designations to the property. The new Growth Management Area provisions in the Charter make it necessary to revise the existing ULDC language regarding its geographic areas of applicability.

Subsection 400.03.05 would be added to the ULDC to address procedural issues related to the County Growth Management Area. This proposed new subsection would have the following effect:

- Recognizes that, in addition to unincorporated areas, the ULDC also applies within any incorporated portions of the County Growth Management Area pursuant to the County Charter.
- For land lying within the GMA that is within municipal boundaries, the municipalities shall retain the right to process any applications for development orders (this includes rezonings, special exceptions, special use permits, development plans, and building permits).
 - Such development orders must be consistent with the Alachua County Comprehensive Plan and ULDC.

- The Director of the County's Growth Management Department would have the authority to make interpretations as to whether such development order applications are consistent with the County's Comprehensive Plan and ULDC (*this was added based on the Board's direction at the August 24, 2021 public hearing*).
- Municipalities or property owners would be required to provide the County with notice of such development order applications within 10 days of their receipt by the municipality. This required notification will allow for County staff to review such applications and to provide technical assistance to the municipality in order to ensure that they are consistent with the County's comprehensive plan and land development regulations.

In addition to the above, the proposed revisions to the ULDC also remove several existing references to the "unincorporated area" in various sections throughout the Code where those references are either unnecessary or potentially contrary to the new Charter language. The proposed revisions would also add a definition of the County Growth Management Area to the "Defined Terms" section of the ULDC.

Impact on the Initial Cost of Housing and on the Long Term Cost of Home Ownership

The proposed amendments to the Unified Land Development Code address only procedural issues and general matters of jurisdictional applicability of the ULDC as needed to implement the County Growth Management Area provisions of the Alachua County Charter that went into effect on January 1, 2021. Nothing in the proposed ULDC amendments deals specifically with regulations for residential housing development or development standards in general. Therefore, in staff's opinion, the proposed amendments to the ULDC would have no effect on the initial cost of housing or the long term cost of home ownership in Alachua County.

Comprehensive Plan Consistency

The proposed amendments to the ULDC address procedural matters as needed for implementation of the provisions of the Alachua County Charter regarding the County Growth Management Area. The County Growth Management Area, as provided in the Charter, effects which local government's comprehensive plan and land development regulations apply to the development of land in that Area, therefore, new procedures are needed to specify which local government is responsible for processing development order applications and how that will occur. Such procedural matters are more appropriately contained within the land development regulations and not the Comprehensive Plan.

Staff finds that the proposed amendments to the ULDC are generally consistent with the Alachua County Comprehensive Plan, in that the procedural matters that are addressed in these ULDC amendments do not relate to specific goals, objectives, or policies within the Comprehensive Plan, but rather, are necessary to implement the Alachua County Charter provisions relating to the County Growth Management Area (as shown below).

Alachua County Home Rule Charter

Sec. 1.5. - Land use planning.

A. Except as provided in Section 1.5(B), each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area not located within any area designated pursuant to general or special law as a reserve for annexation by another municipality or in portions of the area within such municipality.

B. County Growth Management Area

(1) There is hereby established a County Growth Management Area, initially consisting of all those lands so designated on that certain map titled "County Growth Management Area Map" dated June 12, 2020, which is on file in the official records of the clerk of the board of county commissioners. 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.

(2) After the effective date of this subsection, 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.

(3) The board of county commissioners may enact ordinances to implement this subsection. This subsection and any implementing county ordinances shall prevail over conflicting municipal ordinances.

(4) Pursuant to Section 4.2(D), the charter amendment effectuating this subsection is expressly declared to be effective county-wide, and the proposing charter review commission has determined that such county-wide amendment fulfills an important county purpose.

Staff Recommendation

Staff recommends that the Board of County Commissioners:

1. Convene as the Land Development Regulation Commission, and find the proposed amendments consistent with the Alachua County Comprehensive Plan; and
2. Adopt the ordinance to amend the Unified Land Development Code.