



# Alachua County

## Growth Management Staff Report

### **Application: CPA-04-20**

**Staff Contact:** Ken McMurry, Planner 352-374-5249

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**Local Planning Agency** Hearing Date: August 19, 2020

**Board of County Commissioners** Transmittal Hearing Date: September 8, 2020

**Board of County Commissioners** Adoption Hearing Date: TBD

**Summary of Amendment:** CPA 04-20: A Large-Scale Comprehensive Plan Amendment to Rural and Agricultural policies including requirements and standards related to clustered rural residential subdivisions and increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved private easement roads.

**Applicant/Agent:** Alachua County Board of County Commissioners

**Staff Recommendation:** Staff recommends that the Board of County Commissioners **transmit CPA 04-20** to the State Land Planning Agency and other reviewing agencies for review and comment.

**LPA Recommendation:** That the Board of County Commissioners **transmit CPA 04-20** to the State Land Planning Agency and other reviewing agencies for their review and comment.

**BoCC Recommendation:** TBD

## **SUMMARY OF AMENDMENT CPA 04-20**

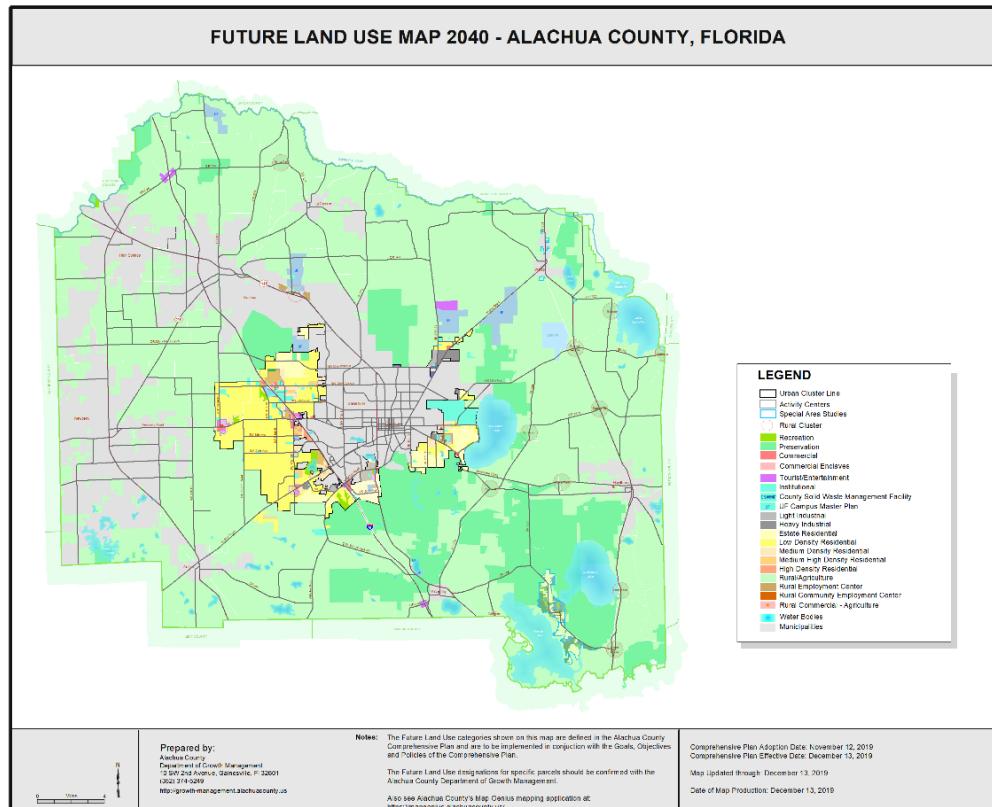
CPA 04-20 is a County-initiated text amendment to the Alachua County Comprehensive Plan: 2019-2040 to amend policies in Section 6.0 Rural and Agricultural Policies of the Future Land Use Element, specifically those relating to Rural Residential Subdivisions, including requirements and standards related to clustered rural residential subdivisions and increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved private easement roads.

The changes in CPA 04-20 are in three categories:

1. Lowering the threshold for requiring clustered rural residential subdivisions, clarifying the permitted and prohibited uses in the open space, and clarifying management plans and their implementation through the land development regulations;
2. Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative;
3. Providing more flexibility regarding internal road requirements by increasing the maximum number of lots in rural residential subdivisions allowed to have internal unpaved private easement roads.

## **INTRODUCTION**

The Goals, Principles, and Strategies of the Future Land Use Element of the Alachua County Comprehensive Plan include provisions to “focus urban development in a clearly defined area and strengthen the separation of rural and urban uses” (Future Land Use Element Principle 2). The Future Land Use Map designates the Urban Cluster that separates the unincorporated urban area from the rural area in accordance with this principle (see Future Land Use Map 2040, below, and in Attachment A. Map 1).



Of the 440,000 acres of unincorporated rural area outside the Urban Cluster, approximately 328,000 acres are designated as Rural/Agriculture, shown as light green on the Future Land Use Map. About three-quarters of the area designated Rural/Agriculture is presently undeveloped, including lands used for agriculture and timberland, and approximately 50,000 acres is developed as residential (see Attachment A. Map 2. Generalized Existing Land Use Map). About half of the area designated Rural/Agriculture contains areas identified as strategic ecosystems (see Attachment A. Map 3), and wetlands are also widely distributed throughout the area (see Attachment A. Map 4).

Section 6.0 of the adopted Future Land Use Element includes objectives and policies relating to the rural area outside the Urban Cluster and Objective 6.2 specifies the uses allowed in areas designated as Rural/Agriculture on the Future Land Use Map (see Attachment B: Future Land Use Element Obj. 6.2). These uses include agricultural activities, including forestry, cattle grazing, cultivation of crops, dairies, and uses serving agricultural activities such as products, supplies, and farmers' markets. Rural residential uses are allowed at a maximum density of 1 unit per 5 acres, and the preferred form for new rural residential subdivisions is that they be clustered (Policy 6.2.9).

### **Cluster Development Design**

Clustered design of developments is a strategy for ensuring compatibility between residential and agricultural uses while protecting key natural resources such as strategic ecosystems. The Principles and Strategies of the Comprehensive Plan in the Future Land Use Element include "Minimize the conversion of land from rural to urban uses . . . while preserving environmentally sensitive areas, according to the following: . . . Utilize mechanisms such as . . . conservation subdivisions" (Future Land Use Element General Strategy 1). The Plan sets a limit on the number of new subdivision lots to no more than 150 per year in the Rural/Agriculture area except for those that are part of clustered subdivisions, and also requires that new subdivisions with more than 100 lots have a special area study and special area study plan (see Attachment B., Future Land Use Element Policy 6.2.7. and 6.2.8). By using clustered design for rural residential subdivisions, with substantial areas of the development set aside as open space while concentrating development on the least sensitive portion of the property, permanent protection of large contiguous areas with natural resources can be done; the policies for design of such subdivisions give priority to the identification and inclusion of natural resources for permanent protection as part of the open space as a means of implementing the policies for protection of natural resources adopted in the Conservation and Open Space Element, excerpted in Attachment B.



Clustered Subdivision, from *Conservation Design for Subdivisions*, R. Arendt

The stated goals of clustering in the Comprehensive Plan are “to protect natural and historic resources; support continued agricultural activities by preserving viable soils and effective land masses; minimize land use conflicts; provide recreational and habitat corridors through linked open space networks; achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure; and reduce natural hazard risks to life and property” (see Attachment B., Future Land Use Element Policy 6.2.9). The literature on clustering identifies this form of development as a means of accomplishing these goals and objectives:

“Residential cluster development is a form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses” (“Smart Codes: Model Land-Development Regulations”, American Planning Association, 2009).

Randall Arendt, who has consulted and written extensively on clustered subdivisions, including *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, and *Growing Greener: Putting Conservation into Local Plans and Ordinances*, has noted environmental benefits that include preserving natural drainage systems, wildlife habitat, and linked open space networks; cultural benefits of preserving rural character and scenic quality; and economic benefits including preservation of agricultural areas, opportunities for local food production, and reduced costs for infrastructure, maintenance, and service vehicles. According to Arendt, “Developers can reduce the costs of building roads, local governments save on periodic road resurfacing, and home buyers often pay less because of these cost savings” (“Open Space Zoning”, R. Arendt, *Planning Commissioners Journal*, 1992).

## **BACKGROUND**

In May 2018, the Board of County Commissioners identified local foods as one of many issues to include in the Evaluation and Appraisal of the Comprehensive Plan, as periodically required by Florida Statutes, Sec. 163.3191. As part of the Evaluation and Appraisal process, the local foods issue was discussed in workshops and with Advisory Committees, including the Rural Concerns Advisory Committee, and was translated into strategies and draft policy amendments that were presented to the Board in December 2018. In addition to those amendments, the Board directed staff to also incorporate additional changes to lower the threshold for requiring clustering and clarify uses permitted in the open space. Staff brought these changes back in February 2019, and the Board accepted these and directed staff to bring back additional policy changes to uses permitted in the open space, to management plans, and to allow flexibility for internal road paving requirements in rural residential subdivisions. At its March 2019 meeting, when the County Commission reviewed these draft policies again, Board members had continued concerns with some aspects of open space and agriculture in clustered rural residential subdivisions, and decided to defer discussion of these issues to a future meeting after the adoption of amendments based on the Evaluation and Appraisal. On May 5, 2020, staff brought back discussion of the draft changes to the Board, which authorized advertisement for public hearings on the draft provided by staff along with two additional modifications, to types of agricultural uses in the open space and to timing of the transition of ownership and maintenance of open space from an original owner to a homeowners association.

## **CONSISTENCY WITH COMMUNITY PLANNING ACT FLORIDA STATUTES CHAPTER 163**

Florida Statutes Ch. 163, Part II, the Community Planning Act, governs local government comprehensive plans in Florida, which must be consistent with the statutory requirements both with respect to elements of plans and internal consistency of plans. The Alachua County Comprehensive Plan as adopted and as amended by CPA 04-20, which amends specific details relating to implementation aspects of plan policies as detailed in the

Analysis of Changes to Comprehensive Plan by CPA 04-20 below, is consistent with the Community Planning Act as reviewed and summarized below.

Policies in the Comprehensive Plan related to clustered rural residential subdivisions are consistent with and carry out several requirements of the Community Planning Act, particularly those related to future land use elements, coordinating future land uses with topography, soil conditions, and the availability of facilities and services, and ensuring the protection of natural and historic resources (F.S. 163.3177(6)); and consistency among elements of a comprehensive plan (163.3177(2)).

The Comprehensive Plan provision for clustered rural residential subdivisions in the Future Land Use Element, and in coordination with the Conservation and Open Space Element, is a key strategy for implementing the protection of natural resources, such as strategic ecosystems, as an alternative to a Special Area Study. The Energy Element also provides for promoting energy efficient land use patterns through measures such as clustering in the rural area.

The Conservation and Open Space Element of the Comprehensive Plan provides for the land development regulations to provide performance standards for development in and adjacent to conservation and preservation areas including innovative approaches such as clustered rural residential subdivisions. Economic Element Objectives include encouraging the use of community gardens, and call for the land development regulations to address the use of open space areas for community gardens (Economic Element Objective 1.9). The Energy Element also provides for promoting energy efficient land use patterns through measures such as clustering in the rural area (Energy Element Policy 3.1.1). The Housing Element Goal is “to promote safe, sanitary, and affordable housing for all current and future Alachua County residents” and Objective 1.1 provides for the “development of affordable housing . . . through policies that focus on land use and facilities, and for the review of regulations to ensure they do not unduly limit opportunities for lower income groups to secure housing” (see Attachment B., which includes excerpted policies from these Elements for reference).

The policies are also consistent with the Community Planning Act emphasis on innovative planning strategies while protecting environmentally sensitive areas (F.S. 163.3168). The Rural and Agricultural policies of the Comprehensive Plan further the statutory encouragement of innovative design through providing for clustered rural residential subdivisions. The adopted clustering policies also provide a policy basis for “innovative land development regulations” encouraged in F.S. 163.3202(3).

## **ANALYSIS OF CHANGES TO COMPREHENSIVE PLAN BY CPA 04-20**

The following analysis is a comparison and discussion of adopted Comprehensive Plan policies and the CPA 04-20 amendments as shown Exhibit 1 in the three categories:

- 1) Lowering the threshold for requiring clustered rural residential subdivisions, clarifying the permitted and prohibited uses in the open space, and clarifying management plans and their implementation through the land development regulations;
- 2) Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative; and
- 3) Providing more flexibility regarding internal road requirements by increasing the maximum number of lots in rural residential subdivisions allowed to have internal unpaved private easement roads.

**1) Lowering the threshold for requiring clustered rural residential subdivisions, clarifying the permitted and prohibited uses in the open space, and clarifying management plans and their implementation through the land development regulations**

**Adopted Policies**

Section 6.0 Rural and Agricultural Policies in the adopted Comprehensive Plan provides that areas identified as Rural/Agriculture on the Future Land Use Map include residential uses, and that clustering is the preferred design for new rural residential subdivisions in order to protect the characteristics and features of rural areas (FLUE Policy 6.2.9). Clustering is required at a threshold of 25 lots (FLUE Policy 6.2.14.(a)).

Clustered rural residential subdivision design requires that a minimum of 50% of the property be identified and permanently protected as open space, with conservation areas given first priority for inclusion followed by agricultural areas (FLUE Policy 6.2.12.(a) and (b)). Within the open space, the policies specify that permitted uses are conservation areas, non-intensive agriculture including community gardens, silviculture, community uses such as common open space, and resource-based recreation, and common stormwater facilities, energy, water supply and septic system drainfields (FLUE Policy 6.2.12.(c)).

Requirements for ownership methods, maintenance, and management plans for the open space are also specified in the policies (FLUE Policy 6.2.12.(e)). Ownership and maintenance of the open space is by one or a combination of several possible entities, including the original landowner. Management plans for the open space are required to establish objectives, outline procedures, and define roles and responsibilities for managing the open space.

**Amendments by CPA 04-20 (as in Exhibit 1)**

The policy amendments in CPA 04-20 include lowering the threshold for requiring new rural residential developments to cluster from 25 lots to 10 lots, excerpted below (in underline/strikethrough format) from Exhibit 1:

**Policy 6.2.14 Applicability**

(a) ~~New rural residential subdivisions of parcels legally created prior to October 2, 1991, consisting of 25 or more lots shall be clustered according to the policies and requirements under this section. New rural residential developments of 10 or more lots shall be developed as clustered rural residential subdivisions in accordance with the policies and requirements under this section and implementing land development regulations.~~

The CPA 04-20 policy amendments to the design principles for selecting and designing open space clarifies that agricultural areas shall be evaluated for inclusion in the open space. The amendments to permitted uses in the open space include the following changes, and as shown in the policy following the discussion.

- Clarification that agricultural uses are for food production and silviculture is limited to non-intensive silviculture as detailed in additional policies
- Provision of more detail on permitted uses and corresponding implementation requirements in management plans for the open space
- Elimination of the provision for an existing homestead to continue in the open space
- Intensive silviculture (monoculture plantations with intensive management regimes as detailed in the new policies) is not allowed; only natural forest management as detailed in the new policies may be considered

The CPA 04-20 policy amendments to the ownership, maintenance, and management plan policies require transition of the ultimate ownership and control of the open space from the original landowner to one of the other specified entities. Criteria for the timing of transfer of ownership and maintenance from original landowner to a homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307, is required to be specified in the land development regulations.

The CPA 04-20 policy amendments to the section on management plans emphasize that the management plan objectives must be consistent with the Conservation and Open Space Element objectives and policies, to identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the lands development regulations. Any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The amendments to the section on management plans also specify that the land development regulations will be updated consistent with goals, objectives, and policies of the Comprehensive Plan. This includes recommended practices for any agriculture activities within the open space to be considered to the extent consistent with natural resource protection policies in the Comprehensive Plan.

The policy changes summarized above are excerpted below (in underline/strikethrough format) from Exhibit 1:

**Policy 6.2.12 Open Space Area in Clustered Subdivisions**

...

(b) Design Principles . . .

(1) Protect natural, historic, and paleontological resources and agricultural areas of the site identified through a site specific inventory.

...

b. Agricultural areas with viable soils and effective land masses shall be included evaluated for inclusion as part of the designated open space area after resource protection criteria are met. Agricultural uses consistent with 6.2.12(c) Permitted and Prohibited Uses and in accordance with requirements for management plans in 6.2.12(e)(3) are encouraged to be included as part of the designated open space area.

...

(c) Permitted and Prohibited Uses.

(1) Permitted uses in the open space area are natural resource conservation areas, non-intensive agriculture for food production including community gardens, non-intensive silviculture consistent with (3) below, and common open space, resource-based recreation uses which maintain the undeveloped area in a natural state, permeable stormwater facilities consistent with Stormwater Element Policy 5.1.11, community energy systems, and common water supply systems and common septic system drainfields. A residential unit used as a homestead just prior to the creation of the clustered subdivision can continue to be used as a homestead within the open space area and not counted toward the total number of units allowed in the rural clustered subdivision.

...

(3) Intensive silviculture uses of planted monoculture “plantation” forests, with intensive management regimes that include practices that are adverse to the natural resource values and functions of a natural forest system, shall not be allowed in any clustered rural residential subdivision. Only natural forest management in accordance with provisions of

the applicable open space management plan consistent with 6.2.12(e)(3) may be considered.

...

(e) Ownership, maintenance, and management plan.

(1) Ownership methods. Ownership and maintenance of open space shall be by one or a combination of the following:

- a. Original landowner with provision for transition of ultimate ownership and control to one of the entities below
- b. Homeowners association
- c. Established land trust
- d. Non-profit conservation or agricultural organization
- e. Alachua County, with county approval
- f. Other public agency (e.g. Water Management District)

...

(3) Management plan. An open space management plan shall be required to accompany the development plan, subject to county review and approval. The management plan shall establish management objectives consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural resource values, protection of public health and safety, and outline procedures, and define the roles and responsibilities for managing the open space. The management plan shall identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the land development regulations. Management shall include wildfire mitigation and any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The land development regulations for open space ownership, maintenance, and management in clustered rural subdivisions shall be updated consistent with applicable Goals, Objectives, and Policies in the Comprehensive Plan. Criteria for the timing of transfer of ownership and maintenance from original landowner to the homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307 shall be specified in the land development regulations. As part of the update of these regulations, recommended practices for any agricultural activities within the open space, from sources such as University of Florida Institute of Food and Agricultural Sciences (UF IFAS) (e.g., for things such as animal stocking and crop planting rates), and principles of regenerative agriculture, shall be considered to the extent they are consistent with policies in the Comprehensive Plan including natural resource protection.

The CPA 04-20 amendments also include new definitions for the terms Natural Forest Management; the adopted Plan does not include definitions of Community Gardens or Regenerative Agriculture so staff developed

definitions based on discussion of these terms and concepts at Board workshops. They are also included in Exhibit 1 as excerpted below.

## FUTURE LAND USE ELEMENT DEFINITIONS

...

**Community Gardens:** Collaborative non-intensive agriculture on common open space primarily for consumption and use of residents.

...

**Natural Forest Management:** Forestry operations designed to preserve, enhance and restore the natural resource values of a forest with objectives that include, but are not limited to, improving the health and diversity of forested communities, restoring or maintaining the natural community structure and species composition, and establishing a natural community specific fire interval.

...

**Regenerative Agriculture:** A system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.

## 2) Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative

### Adopted Policies

In addition to the requirements for clustering, the Plan also provides incentives for clustering in the form of additional units allowed above the maximum of a gross residential density of 1 unit for 5 acres in the Rural/Agriculture area (FLUE Objective 6.2): two additional units are allowed for design of a development in the form of a clustered residential subdivision, and 1 additional unit is also allowed for each 10 acres of conservation area and each 20 acres of non-conservation area that are included in the open space (FLUE Policy 6.2.10.(d)).

### Amendments by CPA 04-20 (as in Exhibit 1)

To further the local foods initiative, the amendments modify the policies relating to incentives for clustering by providing for 1 additional unit per 10 acres of agriculture areas such as community gardens set aside as open space area, as excerpted below (in underline/strikethrough format) from Exhibit 1:

#### **Policy 6.2.10 Density and Intensity**

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except . . . as a result of incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the Conservation and Open Space Element. These standards include the following requirements:

- (a) Impacts to wetlands and surface waters shall be avoided, minimized, and mitigated in accordance with Conservation and Open Space Element Policies 4.7.4. and 4.6.6.
- (b) Density and open space requirements for new rural residential subdivisions shall be consistent with requirements for adequate protection of conservation areas in Conservation and Open Space Element Objective 3.6.
- (c) Development of property that is determined to be a strategic ecosystem shall require a special area plan pursuant to Conservation and Open Space Element Objective 4.10 unless it is determined that sufficient protection can be achieved through clustering.

(d) As an incentive to cluster new residential subdivisions, if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number of units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area or agriculture area such as community gardens set aside as open space; plus 1 additional unit per every 20 acres of other non-conservation area set aside as open space.

**3) Providing more flexibility regarding internal road requirements by increasing the maximum number of lots in rural residential subdivisions allowed to have internal unpaved private easement roads**

**Adopted Policies**

The adopted Comprehensive Plan requires all new rural residential subdivisions in the area designated as Rural/Agriculture to have internal paved roads that meet county standards, with an exception for subdivisions of no more than 6 lots. Such a subdivision can provide access to a private easement road internal to the subdivision that meets county standards for minimum width, stabilization, and maintenance (FLUE Policy 6.2.6 – 6.2.6.1). This exception provides an option for rural residential subdivisions with a limited number of lots to reduce infrastructure and development costs by providing an internal easement road that meets the above county standards but that does not require the additional cost of paving.

**Amendments by CPA 04-20 (as in Exhibit 1)**

The CPA 04-20 amendments provide for flexibility for internal road requirements in more rural residential subdivisions, by increasing the maximum number of lots allowed to have unpaved private easement roads from six lots to nine lots; the amendment also specifies “public safety” and “emergency vehicle access” are added to the County road standards that must be met. This has the potential to reduce costs of road design and construction in rural residential subdivisions between 7 and 9 lots in addition to those that are 6 or less. This is consistent with the Housing Element Goal “to promote safe, sanitary, and affordable housing for all current and future Alachua County residents” and Objective 1.1 which provides for the “development of affordable housing . . . through policies that focus on land use and facilities, and for the review of regulations to ensure they do not unduly limit opportunities for lower income groups to secure housing” (see Attachment B. Excerpted Policies for Reference).

**Policy 6.2.6** No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided under Policy 6.2.6.1 below. Residential subdivisions of more than six nine lots in the Rural/Agricultural area shall be designed to provide:

- (a) Paved, interconnected, internal, and local roads that are dedicated to a responsible maintenance entity.
- (b) Limited driveways, including the use of common access driveways, on rural collector and arterial roads.
- (c) Paved public road access.

**Policy 6.2.6.1** Subdivisions of no more than six nine lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum

width, stabilization requirements, public safety, emergency vehicle access, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than ~~six~~ nine lots without having paved roads throughout the subdivision.

## **EFFECT OF THE PROPOSED AMENDMENTS ON AFFORDABLE HOUSING**

By lowering the threshold for required clustering of new rural residential subdivisions from 25 lots to 10 lots, this amendment has the potential to result in more rural residential subdivisions designed in this form. Such clustered rural residential subdivisions can have reduced street lengths and costs for construction, maintenance, and utility installations, as detailed in the Cluster Development Design section above. To the extent that such reductions in costs are translated to lower unit prices to buyers, this has the potential to result in more units at more affordable prices.

Increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved private easement roads from six lots to nine lots has the potential to reduce costs of road design and construction. To the extent that such reductions in costs are translated to lower unit prices to buyers, this has the potential to result in more units at more affordable prices.

## **STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit CPA 04-20 to the State Land Planning Agency and other reviewing agencies for review and comment.

## **BASES**

1. The Alachua County Comprehensive Plan, as amended by CPA 04-20, is consistent with the Community Planning Act (Florida Statutes Ch. 163) as detailed in the analysis above.
2. The Alachua County Comprehensive Plan, as amended by CPA 04-20, is internally consistent with and implements the overall framework in the adopted Comprehensive Plan as detailed in the analysis above.

## Exhibit 1:

### CPA 04-20 Amendments to Future Land Use Element

## 6.0 RURAL AND AGRICULTURAL POLICIES

...

**Policy 6.2.5** Parcels containing natural resource areas as identified in the Conservation and Open Space Element shall be conserved in accordance with those policies, such that the natural functions of the resource area are not significantly altered. This shall be accomplished either through clustering of new developments in accordance with Policy 6.2.9 through 6.2.14 below, or for developments of less than ~~25~~ 10 lots that might not be clustered in accordance with these policies, through a development plan that assures the permanent protection of natural resources consistent with the requirements of the Conservation and Open Space Element; the land development regulations shall detail the requirements for management and permanent protection of the ecological value of natural resources in those developments that are not clustered through legally enforceable mechanisms that provide protection of those resources equivalent to the protection under Policies 6.2.12(c) through 6.2.12(e).

...

### **RURAL RESIDENTIAL SUBDIVISIONS**

**Policy 6.2.6** No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided under Policy 6.2.6.1 below. Residential subdivisions of more than ~~six~~ nine lots in the Rural/Agricultural area shall be designed to provide:

- (a) Paved, interconnected, internal, and local roads that are dedicated to a responsible maintenance entity.
- (b) Limited driveways, including the use of common access driveways, on rural collector and arterial roads.
- (c) Paved public road access.

**Policy 6.2.6.1** Subdivisions of no more than ~~six~~ nine lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum width, stabilization requirements, public safety, emergency vehicle access, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than ~~six~~ nine lots without having paved roads throughout the subdivision.

**Policy 6.2.7** The Development Review Committee shall not authorize more than 150 lots smaller than eight acres in the Rural/Agricultural area in any calendar year except for lots that are clustered according to the provisions of 6.2.9 – 6.2.14.

**Policy 6.2.8** New rural residential subdivisions of parcels legally created prior to October 2, 1991, which contain more than 100 lots, including cumulative phases or continued subdivision of land in common ownership or partnership as of October 2, 1991, shall be allowed only after adoption of a comprehensive plan amendment based on a completed special area study. This study, developed through the Community

Planning Program, shall address factors such as transportation impacts, community services, fire protection, impacts on surrounding land uses, and environmental issues. This requirement for a comprehensive plan amendment is not applicable to a rural residential subdivision that exceeds 100 lots as a result of incentive density bonuses for clustering.

**Policy 6.2.9** Clustering

The preferred design for new rural residential subdivisions is that they be clustered in order to protect the characteristics and features of rural areas through the following goals:

- (a) Protect natural and historic resources.
- (b) Support continued agricultural activities by preserving viable soils and effective land masses.
- (c) Provide opportunities for agriculture areas such as community gardens.
- (d) Minimize land use conflicts.
- (e) Provide recreational and habitat corridors through linked open space networks.
- (f) Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure.
- (g) Reduce natural hazard risks to life and property.

**Policy 6.2.10** Density and Intensity

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except as a result of the provisions for accessory dwelling units found in Policy 6.2.10.1, family homestead exceptions found in Policy 6.2.14(c), temporary permits issued by the Growth Management Department or as a result of incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the Conservation and Open Space Element. These standards include the following requirements:

- (a) Impacts to wetlands and surface waters shall be avoided, minimized, and mitigated in accordance with Conservation and Open Space Element Policies 4.7.4. and 4.6.6.
- (b) Density and open space requirements for new rural residential subdivisions shall be consistent with requirements for adequate protection of conservation areas in Conservation and Open Space Element Objective 3.6.
- (c) Development of property that is determined to be a strategic ecosystem shall require a special area plan pursuant to Conservation and Open Space Element Objective 4.10 unless it is determined that sufficient protection can be achieved through clustering.
- (d) As an incentive to cluster new residential subdivisions, if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number of units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area or agriculture area such as community gardens set aside as open space; plus 1 additional unit per every 20 acres of other non-conservation area set aside as open space.

**6.2.10.1** To provide for a greater range of choices of housing types, affordable housing, and the promotion of infill into existing neighborhoods while maintaining rural character, one accessory dwelling unit shall be allowed on residential lots in the Rural/Agriculture area without being included in gross residential density calculations as follows.

- (b) Performance criteria shall be detailed in the land development regulations and include elements such as size, site design, access, and parking requirements. In no instance shall an accessory

dwelling unit be permitted on a lot with less than one acre of buildable area outside the boundaries of any conservation areas.

- (c) Prior to the issuance of a building permit for the construction of an accessory dwelling unit in an existing residential area, the applicant shall provide proof of homestead exemption status establishing ownership and principal residence of the lot.
- (d) Permanent occupancy by the owner of either the primary or accessory dwelling unit shall be required for all accessory dwelling units.
- (e) The accessory dwelling unit shall meet all applicable requirements of the Florida Department of Health for the well and septic system.

**Policy 6.2.11** Design Sequence

The design of rural residential clustered subdivisions shall be sequenced according to the following four-step process:

- (a) Identify open space area, including natural resources consistent with Conservation and Open Space Element Section 3, agricultural areas, and potential open space network connections consistent with Conservation and Open Space Element Section 6.3.
- (b) Identify developed area and locate home sites.
- (c) Align streets and trails.
- (d) Delineate lot lines.

**Policy 6.2.12** Open Space Area in Clustered Subdivisions

A portion of a clustered rural residential subdivision shall be designated and maintained as undeveloped open space area.

- (a) Percentage of site. Clustered Rural residential subdivisions shall designate a minimum of 50% of the site as open space area.
- (b) Design Principles. Open space shall be selected and designed according to the following principles, consistent with Conservation and Open Space Element policies for the identification and protection of natural resources:
  - (1) Protect natural, historic, and paleontological resources and agricultural areas of the site identified through a site specific inventory.
    - a. Conservation areas shall receive top priority for inclusion as part of the designated open space area, and may only be impacted in accordance with Conservation and Open Space Element policies specific to the resource.
    - b. Agricultural areas with viable soils and effective land masses shall be included evaluated for inclusion as part of the designated open space area after resource protection criteria are met. Agricultural uses consistent with 6.2.12(c) Permitted and Prohibited Uses and in accordance with requirements for management plans in 6.2.12(e)(3) are encouraged to be included as part of the designated open space area.
    - c. Historic and paleontological resources shall be included as part of the designated open space area when appropriate in accordance with the Historic Preservation Element.
  - (2) Design the open space area as a single contiguous area with logical, straightforward boundaries to eliminate or minimize fragmentation.

(3) Form linked open space networks with existing or potential open space areas on adjacent properties, other developments, or greenways, consistent with Conservation and Open Space Element Section 6.3.

(c) Permitted and Prohibited Uses.

- (1) Permitted uses in the open space area are natural resource conservation areas, non-intensive agriculture for food production including community gardens, non-intensive silviculture consistent with (3) below, and common open space, resource-based recreation uses which maintain the undeveloped area in a natural state, permeable stormwater facilities consistent with Stormwater Element Policy 5.1.11, community energy systems, and common water supply systems and common septic system drainfields. ~~A residential unit used as a homestead just prior to the creation of the clustered subdivision can continue to be used as a homestead within the open space area and not counted toward the total number of units allowed in the rural clustered subdivision.~~
- (2) More intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens shall not be allowed in any clustered rural residential subdivision.
- (3) Intensive silviculture uses of planted monoculture “plantation” forests, with intensive management regimes that include practices that are adverse to the natural resource values and functions of a natural forest system, shall not be allowed in any clustered rural residential subdivision. Only natural forest management in accordance with provisions of the applicable open space management plan consistent with 6.2.12(e)(3) may be considered.

(d) Permanent protection. All future development in designated open space areas is prohibited.

- (1) All open space shall be maintained and remain undeveloped in perpetuity using a legal instrument that runs with the land to set forth conditions and restrictions on use.
- (2) All open space area and lots shall be restricted from further subdivision through an instrument in a form acceptable to the county and duly recorded in the public record which assures the preservation and continued maintenance of the open space.
- (3) The boundaries of designated open space areas shall be clearly delineated on plans, including record plats, and marked in the field to distinguish these areas from developed areas.

(e) Ownership, maintenance, and management plan.

- (1) Ownership methods. Ownership and maintenance of open space shall be by one or a combination of the following:
  - a. Original landowner with provision for transition of ultimate ownership and control to one of the entities below
  - b. Homeowners association
  - c. Established land trust
  - d. Non-profit conservation or agricultural organization
  - e. Alachua County, with county approval
  - f. Other public agency (e.g. Water Management District)
- (2) Maintenance. Unless otherwise agreed by the County, the cost and responsibility of maintaining common facilities, including but not limited to open space, private roads, shared water systems, and stormwater systems, shall be borne by the owner(s) of the open space. If

the open space is not properly maintained, the County may assume responsibility of maintenance and charge the property owner or homeowners association a fee which covers maintenance and administrative costs.

(3) Management plan. An open space management plan shall be required to accompany the development plan, subject to county review and approval. The management plan shall establish management objectives consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural resource values, protection of public health and safety, and outline procedures, and define the roles and responsibilities for managing the open space. The management plan shall identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the land development regulations. Management shall include wildfire mitigation and any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The land development regulations for open space ownership, maintenance, and management in clustered rural subdivisions shall be updated consistent with applicable Goals, Objectives, and Policies in the Comprehensive Plan. Criteria for the timing of transfer of ownership and maintenance from original landowner to the homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307 shall be specified in the land development regulations. As part of the update of these regulations, recommended practices for any agricultural activities within the open space, from sources such as University of Florida Institute of Food and Agricultural Sciences (UF IFAS) (e.g., for things such as animal stocking and crop planting rates), and principles of regenerative agriculture, shall be considered to the extent they are consistent with policies in the Comprehensive Plan including natural resource protection.

#### **Policy 6.2.13 Developed Area**

The developed area of the clustered rural residential subdivision shall be located outside the open space area. The land development regulations shall prescribe in detail design standards for the configuration of lots and homes, the provision of water and wastewater, roads, stormwater, and buildings and structures. At a minimum, all developed areas must be designed to comply with the following principles, to the extent feasible considering the location and protection of natural resources:

- (a) Flexible home siting and lot sizes. Diversity and originality in home siting, lot size and design are encouraged to achieve the best possible relationship between the development and the features on the land through the following strategies:
  - (1) Ownership lines should follow existing features, such as tree lines or contours.
  - (2) Lots smaller than one acre may be allowed provided that well and septic System configuration, location, and operation and maintenance comply with public health and environmental quality standards, subject to the following:
    - a. The number of lots less than one acre shall be determined and located consistent with Conservation and Open Space Element Policies 3.6.11 and 4.5.5(f).
    - b. Common septic systems may be utilized to serve lots less than one acre, consistent with Conservation and Open Space Element Policy 4.5.5(f), subject to performance criteria in the land development regulations specifying criteria such as system configuration, location, and management.

- (b) Development impacts within developed area. Development impacts and disturbance caused by buildings or construction to topography and existing site features within the developed area shall be minimized through the following strategies:
  - (1) Locating residences and structures adjacent to tree lines and wooded field edges and avoiding placement in open fields, consistent with Firewise principles.
  - (2) Preserving the maximum amount of natural vegetation by careful siting of development.
  - (3) Limiting the size of building envelopes and locating them in areas most suitable for development.
  - (4) Locating roads to minimize cut and fill (follow existing features, e.g. tree lines, access roads, contours).
  - (5) Providing buffers and setbacks from wetlands and surface waters.
  - (6) Use of common driveways.
  - (7) Encouraging community wells and septic systems within the most suitable soils.
  - (8) Designing stormwater to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales. The use of plants and natural land forms shall be required to slow, hold, and treat runoff from development.
- (c) Development impacts to open space and adjacent offsite areas. The total amount of impacts and disturbance to the site, including the open space area, and to adjacent areas offsite shall be minimized through strategies such as:
  - (1) Providing buffers and setbacks to protect resources and natural vegetation from development impacts consistent with Conservation and Open Space Element Section 3.6.
  - (2) Providing buffers and setbacks to protect the ability to engage in agricultural activities in neighboring areas. The width and type of buffer shall be based on the scale of the agricultural activity and other site specific factors such as topography, and shall include a minimum buffer width of two hundred feet when the developed area is adjacent to intensive agricultural uses.
  - (3) Locating developed areas and providing buffers and setbacks to eliminate or minimize the presence of development from adjacent properties.
- (d) Development impacts to adjacent public roads shall be minimized through the following strategies:
  - (1) Providing internal paved local roads, or private easements that serve no more than ~~six~~ nine lots consistent with Future Land Use Element Policy 6.2.6, which meet County standards and minimize access to adjacent public roads.
  - (2) Minimizing the number of driveways accessing adjacent public roads and the number of lots with direct frontage on adjacent public roads.
  - (3) Locating developed areas and providing buffers and setbacks to minimize the presence of development from adjacent public roads.

#### **Policy 6.2.14 Applicability**

- (c) ~~New rural residential subdivisions of parcels legally created prior to October 2, 1991, consisting of 25 or more lots shall be clustered according to the policies and requirements under this section. New rural residential developments of 10 or more lots shall be developed as clustered rural~~

residential subdivisions in accordance with the policies and requirements under this section and implementing land development regulations.

- (d) New rural residential subdivisions meeting all requirements for cluster development may be allowed through the development review process, provided they are consistent with Comprehensive Plan policies and land development regulations.
- (e) Exceptions to the density and intensity standards in the Rural/Agriculture area may be granted for use of a parcel as a homestead by family members that meet the family relationship criteria under Future Land Use Element Policy 7.1.20 as provided in the Land Development Regulations.
- (f) Alternatives to the requirements for Rural/Agricultural areas may be established by special area plans adopted jointly by Alachua County and a municipality pursuant to Interlocal agreements under Section 1.5 of the Alachua County Charter and Policy 1.1.1 of the Intergovernmental Coordination Element of the County Comprehensive Plan. Such special area plans shall establish policies for land use and other relevant issues such as provision of infrastructure and services within areas delineated in such joint special area plans. In order for these alternative policies to apply, the joint special area plan with a municipality must be adopted as part of the Comprehensive Plans of the both the County and the applicable municipality.

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## **FUTURE LAND USE ELEMENT DEFINITIONS**

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**Community Gardens:** Collaborative non-intensive agriculture on common open space primarily for consumption and use of residents.

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**Natural Forest Management:** Forestry operations designed to preserve, enhance and restore the natural resource values of a forest with objectives that include, but are not limited to, improving the health and diversity of forested communities, restoring or maintaining the natural community structure and species composition, and establishing a natural community specific fire interval.

...

**Regenerative Agriculture:** A system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.