



# Alachua County

## Growth Management Staff Report

### Proposed Amendments to the Unified Land Development Code

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**Board of County Commissioners**

**Public Hearing Date: August 24, 2021**

**Summary of Amendment:**

A County-initiated amendment to the Alachua County Unified Land Development Code (ULDC) to revise Subdivision Regulations and other sections of the Code where needed to implement recently adopted Comprehensive Plan policy amendments 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.

**Applicant/Agent:**

Alachua County Board of County Commissioners

**Staff Recommendation:**

That the Board of County Commissioners:

1. Convene as the Land Development Regulation Commission, and find the proposed ULDC amendments consistent with the Alachua County Comprehensive Plan as provided in the staff report; 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 sections of the Code needed to implement recently adopted Comprehensive Plan policy amendments 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. Per Board direction, the amendments would also include changes to better support agricultural uses in the open space of clustered rural residential subdivisions. The majority of the proposed amendments are to Chapter 407, Article VIII Subdivision Regulations, with additional amendments to Article XIII Access Management and Street Network Standards, and Chapter 410, Article III Defined Terms. The proposed amendments to the ULDC are shown in strike-through and underline format in the attached Exhibit A.

## **Background**

In October 2020, the County Commission adopted amendments, which became effective in December 2020, to Section 6.0 Rural and Agricultural Policies of the Future Land Use Element of the Alachua County Comprehensive Plan: 2019-2040 (CPA 04-20). These policy amendments came out of consideration by the County Commission of issues and strategies related to promotion of the Local Foods initiative during the Evaluation and Appraisal of the Comprehensive Plan, starting in 2018. In the course of that Evaluation and Appraisal, in addition to new policies relating to local foods in the Economic Element of the Comprehensive Plan, there was extensive review and discussion by the County Commission of policies in the Future Land Use Element of the Plan relating to clustering of rural residential developments, and the Board directed changes to the policies in the Plan that were adopted in three categories:

1. Lowering the threshold for requiring rural residential subdivisions to utilize clustered design from 25 lots to 10 lots; clarifying the permitted and prohibited uses in the open space and clarifying management plan requirements;
2. Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative, by providing for 1 additional unit per every 10 acres of such agricultural area instead of 1 additional unit per every 20 acres;
3. Increasing the maximum number of lots from 6 to 9 for rural residential subdivisions where the lots may have access from an internal unpaved private easement road.

The proposed amendments to the ULDC are to implement these adopted Comprehensive Plan Policy changes (which are attached for reference) and clarify and reorganize the related Code provisions. The amendments also include changes to better support agricultural uses in the open space of clustered rural residential subdivisions, per Board direction on April 27, 2021, for Commissioner Prizzia to work with staff on those changes. Staff provided the proposed amendments to the Board on June 22, 2021, and the Board authorized advertisement of the public hearing to consider adoption of these amendments.

## **Summary and Analysis of Proposed Amendments to the Unified Land Development Code**

The following is a description and analysis of the ULDC amendments as shown in Exhibit A, for consistency with adopted Comprehensive Plan policies including the CPA 04-20 amendments in the three categories:

1. Lowering the threshold for requiring rural residential subdivisions to utilize clustered design from 25 lots to 10 lots; clarifying the permitted and prohibited uses in the open space and clarifying management plan requirements;
2. Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative, by providing for 1 additional unit per every 10 acres of such agricultural area instead of 1 additional unit per every 20 acres;
3. Increasing the maximum number of lots from 6 to 9 for rural residential subdivisions where the lots may have access from an internal unpaved private easement road.

### **1) Lowering the threshold for requiring rural residential subdivisions to utilize clustered design from 25 lots to 10 lots; clarifying the permitted and prohibited uses in the open space and clarifying management plan requirements.**

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). The policy amendments in CPA 04-20 included lowering the threshold for requiring new rural residential developments to utilize clustered design from 25 lots to 10 lots, (FLUE Policy 6.2.14.(a)).

- ULDC 407.73(b) is amended to specify that “subdivisions... containing 10 or more lots shall be designed as a clustered rural residential subdivision”.

Clustered rural residential subdivision design specifies a design sequence for the overall development, and requires that a minimum of 50% of the property be identified and permanently protected as open space according to specific design principles. This includes giving conservation areas first priority for inclusion followed by agricultural areas, and that the open space is designed as a single contiguous area (FLUE Policy 6.2.12.(a) and (b)). The CPA 04-20 policy amendments to the design principles for selecting and designing open space clarify that agricultural areas shall be evaluated for inclusion in the open space.

- ULDC 407.77(b) is an added subsection that lists and clarifies key concepts for Clustered Rural Residential Subdivisions of Clustering, Design Sequence, Open Space, and Developed Area. This includes specifying that “agricultural” features are included in the inventory and analysis of the site to identify Open Space; that language clarifying the design of Open Space includes prioritizing “agricultural areas with viable soils and land masses” for

inclusion in the Open Space after conservation areas; and that least “agriculturally viable” is included in the portion of site where the Developed Area shall be located.

- ULDC 407.77(c) is an added subsection to identify the design process for clustered rural residential subdivisions and includes “agricultural areas” for priority in identification of Open Space.

Within the open space, the Comprehensive Plan 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)). The CPA 04-20 policy amendments to permitted uses in the open space included 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; and 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.

- ULDC 407.77(b)(1)a.ii. (renumbered as 407.77(d)(1)a.2.) is amended to allow permitted uses in the open space area to include non-intensive agriculture “for food production”. Additional language is included on employing “agroecological practices and diversified farming systems” for residents or sales through specified means; allowing “structures and service areas incidental to permitted agriculture”; and requiring management plan provisions, for any utilization of septic systems and for “any activities associated with the agricultural uses such as farm-to-table” and other activities.
- ULDC 407.77(d)(1)a.3. is added to include “non-intensive silviculture employing natural forest management practices”.
- Other amendments to permitted uses include: open space “as defined in Ch. 410”; resource-based recreation uses “may include horses and associated pastures and trails for personal recreation”; and the provision for an existing homestead to continue in the open space has been deleted.
- Definitions for community gardens, natural forest management, regenerative agriculture, and agroecology have been added to ULDC Chapter 410. Article III. Defined Terms.

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.

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.

- ULDC 407.77(b)(3) (renumbered as 407.77(d)(3)) adds language allowing the specified entities to arrange for an independent farm business to “manage agriculture in the open space pursuant to a lease or other agreement.”
- ULDC Section 407.77(b)(4) (renumbered as 407.77(d)(4)a.) is amended to specify that the management plan shall establish management objectives “consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural and water resource values, protection of public health and safety”; and that the “timing of transfer of ownership and maintenance from original landowner or developer to the homeowners association shall occur no later than the events specified in F.S. 720.307, or if transfer is to occur upon an event earlier than required by Florida law such as a lower percentage of lots conveyed, then it shall occur as specified in the governing documents for the homeowners association”.

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 policy 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.

- ULDC 407.77(d)(4)b. is an added subsection that provides identification of protections in the management plan for natural and water resource values in accordance with standards that any proposed agriculture or silviculture operations shall:
  1. Not occur within natural resource conservation areas or their buffers;
  2. Employ “agroecological and diversified farming systems practices”, including promoting water and soil conservation and biodiversity, minimize nutrient leaching and runoff, developing an Integrated Pest Management Plan, and using “rotational grazing techniques and minimum stocking densities” for animal operations to ensure healthy pastures;
  3. Apply Natural Forest Management practices; and

4. Certified Naturally Grown or organic standards and principles of regenerative agriculture, and sources such as UF-IFAS, USDA, and the Wallace Center, can be utilized regarding recommended practices provided they are protective of natural and water resources.
- ULDC 407.77(d)(4)c. addresses wildfire mitigation specifying that “Existing silviculture operations shall be managed to minimize fire risk and must transition to natural forest management”
  - ULDC 407.77(d)(4)d. adds language regarding Open Space remaining usable and accessible to the residents of the subdivision, and that access may be limited in the management plan for agricultural areas, with provision for residents to have access to a minimum 10% of the open space at all times.

For the developed area of clustered rural residential subdivisions, Comprehensive Plan policies specify design principles for home siting and lot sizes, and strategies to minimize development impacts within the developed area, to open space and adjacent offsite areas, and to adjacent public roads. The policies also specify that the land development regulations shall prescribe in detail design standards for things such as provision of water and wastewater, roads, and stormwater.

- Table 407.78.1 Dimensional Standards for Rural/Agriculture Clustered Subdivisions is amended to specify that lots as small as ½ acre may be allowed consistent with Table 407.110.1 (Minimum Residential Lot Sizes for Private Well and Septic Systems) “where there is a demonstration that the associated sanitary systems will cause no degradation of surface water or groundwater quality, as determined by the Alachua County Environmental Protection Department” and that “a Department of Health approved nitrogen reducing enhanced septic system may qualify for this exception”.
- ULDC 407.78(c) is amended to specify that the use of existing vehicular access roads, paths or trails is encouraged “consistent with protection of conservation and agricultural resources”.
- ULDC 407.78(d) is amended to delete a provision for approval of a buffer less than 200 feet in width when the developed area is adjacent to intensive agricultural uses on adjoining properties. Comprehensive Plan policy 6.2.13(c)(2) specifies a minimum buffer width of 200 feet in such cases.
- ULDC 407.78(e) is amended to add language that any potable or wastewater systems located in the Open Space must not interfere with agricultural operations and any septic systems must protect natural resource areas and agriculture areas, through provisions in the management plan.
- ULDC 407.78(f) is amended to recognize the use of Low Impact Design in meeting stormwater treatment performance standards, and adds “Untreated stormwater may not be directed to agricultural areas”.
- ULDC 407.78 (a)(4) regarding design strategies for the developed area to minimize the visibility of structures from public roadways is revised from “centralizing the developed area

in the interior of the property” to locating it “toward the interior”, if consistent with protection of Open Space.

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

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). To further the local foods initiative, the CPA 04-20 policy amendments modified 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.

- ULDC Table 407.78.2 Maximum Rural/Agricultural Residential Density is amended to add “agricultural area” permanently protected as Open Space to the requirement for 1 potential additional unit allowed, which is currently allowed for 10 acres of conservation area.

**3) Increasing the maximum number of lots from 6 to 9 for rural residential subdivisions where the lots may have access from an internal unpaved private easement road.**

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 that allows subdivisions with no more than 9 lots to provide internal unpaved private easement roads; this maximum number of lots was amended by CPA 04-20 from the previous maximum number of 6 lots. Such a subdivision of no more than 9 lots 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). The CPA 04-20 amendment also added “public safety” and “emergency vehicle access” to the County road standards that must be met.

- ULDC 407.76 currently addresses rural subdivisions with unpaved roads, which were previously limited to no more than 6 lots; the amendments restructure this section to apply to all rural residential subdivisions with no more than 9 lots, which is also the maximum amount of lots in a subdivision that does not require clustering.
- ULDC 407.76(b) and (c) have been restructured and amended to raise the maximum number of lots from 6 to 9 that a parent parcel may be divided into without providing internal paved roads throughout the subdivision.
- ULDC 407.76(c) is a new subsection providing standards for internal roads to access public roadways
- ULDC 407.76(d) is a new subsection providing an exception for allowing individual or shared driveways that provide direct access from lots to public roads:
  1. Where required to avoid impacts to conservation resources, natural features, and agricultural lands.
  2. For subdivisions of 3 lots or less with frontage on a public road.

3. With total connections to public roads per subdivision including internal roads and driveways limited to two.
- ULDC 407.141(b), which provides minimum design and construction standards for streets and drainage systems, is amended to add private roads in rural residential subdivisions of fewer than 10 lots to the facilities that may be excluded from the definition of a street, provided that a specific list of provisions occur. Standards have been added to that list for private roads in rural residential subdivisions with fewer than 10 lots.

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

The proposed amendments to the Unified Land Development Code are consistent with and implement adopted Comprehensive Plan policies. 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. 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:

1. Convene as the Land Development Regulation Commission, and find the proposed ULDC amendments consistent with the Alachua County Comprehensive Plan as provided in the staff report; and
2. Reconvene as the Board of County Commissioners and adopt the ordinance amending the Unified Land Development Code with the basis described in the staff report.



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**CHAPTER 407. – ARTICLE VIII. - SUBDIVISION REGULATIONS**

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**SEC. 407.72. - PURPOSE.**

It is the purpose of this article to provide criteria for the subdivision of land for residential purposes and to implement policies of the Comprehensive Plan.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 07-07, § 2(Exh. A), 4-27-07)

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**SEC. 407.73. - GENERAL PROVISIONS.**

- (a) All subdivision applicants are required to file a plat in accordance with Article XII of Chapter 402 except as provided for below in subsection (f) and in section 407.75.
- (b) All subdivisions located within areas designated rural/agriculture on the Future Land Use Map ~~2020~~ 2040 and containing ~~25~~ 10 or more lots shall be designed as a ~~rural/agriculture~~ clustered rural residential subdivision consistent with section 407.77 and 407.78 of this article.
- (c) For subdivisions located within areas designated rural/agriculture and not designed as a ~~rural/agriculture~~ clustered rural residential subdivision as provided in section 407.77, no more than 150 lots smaller than eight acres in size, shall be authorized in a calendar year.
- (d) 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 in section 407.75, section 407.76 and section 407.154. Paved public road access does not include alternative surface treatments utilized as a part of the Alachua County Unimproved Road Program.
- (e) No person may divide a lot of record, which does not meet the definition of parent tract unless they comply with these subdivision regulations.

*. . . [Procedural and other details of Subdivision regulations that are unaffected by the Comprehensive Plan amendments and are not proposed for change are omitted from this draft for readability.] . . .*

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**SEC. 407.74. - SUBDIVISION DESIGN PROCESS AND DEVELOPMENT PLAN REQUIREMENTS.**

*. . . [Procedural and other details of Subdivision regulations that are unaffected by the Comprehensive Plan amendments and are not proposed for change are omitted from this draft for readability.] . . .*

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**SEC. 407.75. - FAMILY HOMESTEAD SUBDIVISIONS.**

*. . . [Procedural and other details of Subdivision regulations that are unaffected by the Comprehensive Plan amendments and are not proposed for change are omitted from this draft for readability.] . . .*

**SEC. 407.76. - SUBDIVISIONS WITH ~~UNPAVED ROADS~~ NO MORE THAN 9 LOTS IN THE RURAL AGRICULTURAL AREA.**

~~The DRC may approve a development plan for a with the construction of a private, unpaved road~~ Subdivisions, including clustered rural residential subdivisions meeting the requirements of section 407.77 and 407.78 of this article, with no more than 9 lots in the rural/agricultural area as defined by the Future Land Use Element of the Comprehensive Plan may be approved provided they meet ~~upon~~ the following conditions:

- (a) Such subdivisions shall be platted and approved by the BOCC.
- (b) A parent parcel, existing as of October 2, 1991, shall not be divided into more than ~~six~~ nine lots, including the residual, without having internal paved roads throughout the subdivision. Only one such subdivision shall be allowed per parent parcel.
- (c) An internal road shall be provided for the lots in the subdivision to access a public roadway, except as provided in (d) below, subject to the following standards:
  - (1) Where an internal private easement road is proposed, it must meet county standards in accordance with subsection 407.141(b).
  - (2) The private easement road must provide a direct connection to a public road with sufficient right of way to meet county standards. The internal road may be paved or unpaved, but must meet the minimum requirements in (g) below.
  - (3) Lots fronting the internal private easement road shall not have direct access to public roadways.
- (d) Individual or shared driveways that provide direct access from any lots to a public roadway may be allowed subject to the following:
  - (1) Such direct access is required to avoid impacts to conservation resources, tree canopy preservation areas, natural drainage features, agricultural lands, or other landscape features.
  - (2) Subdivisions of three lots or less that have frontage on a public roadway may provide direct connection to the roadway utilizing individual or shared driveways.
  - (3) Total connections to public roadways, including internal roads in accordance with (c) and individual or shared driveways, shall be limited to two per subdivision and shall meet the standards of Article 13 of this Chapter.

- ~~(d)~~(e) Unpaved roads created prior to May 2, 2005 shall not be required to be paved with the development of the remainder of the parent parcel unless that road is used for access to the newly created lots.
- ~~(e)~~ ~~A private easement road internal to the subdivision may be utilized where such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards and:~~
- ~~(1)~~ ~~Those lots fronting on an existing public road shall be restricted to access to the internal road.~~
- ~~(2)~~ ~~The internal subdivision roads must meet county standards for minimum width, stabilization requirements, and maintenance.~~
- ~~(f)~~ ~~A private easement road internal to the subdivision may connect to an unpaved, public road provided said roads have adequate deeded right of way to a paved public road.~~
- ~~(g)~~(f) The applicant shall provide and have recorded in the public records of Alachua County a document, in such form as the BOCC may require, setting forth deed restrictions for the entire property for which the subdivision is approved. Such document shall include, at a minimum, the following:
- (1) No further subdivision of any lot shall be permitted without full compliance with all county regulations.
- ~~(8)~~(2) A declaration that the deed restrictions shall be binding on all parties, their heirs, personal representatives, successors, grantees and assigns and shall run with the land.
- ~~(2)~~(3) A roadway easement is If an internal private easement road is proposed:
- a. The road shall be set aside for common ownership and maintenance.
- ~~(3)~~ b. The maintenance and financial responsibility for the ~~easement road~~ shall be borne by the ~~lot owners using the roadway~~ owners in the subdivision.
- ~~(4)~~ ~~The easement shall be a minimum of 40 feet in width. The easement shall be cleared to a minimum required for emergency vehicle access and provision for utilities.~~
- ~~(5)~~ ~~The roadway shall be constructed in accordance with the criteria outlined in (h) below, and maintained and made passable at all times.~~
- ~~(6)~~ c. The roadway shall be accessible to and subject to all emergency, public service, utility and refuse vehicles and all other similar vehicles deemed necessary to pass and repass over such roadway and use the same to protect the safety and welfare of all residents served by the roadway and such right to use the roadway shall not be subject to revocation.

~~(7)~~ d. A declaration that the roadway is a private road which is neither dedicated to nor accepted by Alachua County and that the maintenance of the road is not the responsibility of the County, regardless of use by public service vehicles.

~~(8)~~ ~~A declaration that the deed restrictions shall be binding on all parties, their heirs, personal representatives, successors, grantees and assigns and shall run with the land.~~

~~(h)(g)~~ A development plan consistent with subsection 407.141(b) is required, including ~~plan and profile and cross-sections of the roadway, prepared by a professional engineer, registered in the State of Florida, for the roadway and drainage improvements shall be submitted to the County Engineer's office. The minimum design criteria are as follows:~~

- (1) Centerline survey of the easement road with curve data.
- (2) A typical cross-section ~~with a minimum width of 20 feet limerock stabilized surface with a Limerock Bearing Ratio (LBR) 35, with minimum shoulders of two-foot width and swales sufficient to accommodate the drainage. The depth of the stabilized surface shall be six inches.~~
- (3) Plan and profile cross-sections of the roadway, prepared by a professional engineer, registered in the State of Florida, for the roadway and drainage improvements.
- ~~(3)(4)~~ A stormwater management plan with accompanying calculations and supporting soils and topographical data. If the internal easement road is paved, stormwater requirements in Article 9 shall apply.
- ~~(4)(5)~~ ~~The~~ Any entrance culvert, where appropriate, shall be reinforced concrete pipe with mitered ends.
- ~~(5)(6)~~ ~~The~~ Any turnout shall have a minimum radius of 30 feet and be paved within the public right-of-way, if the public roadway is paved.

(Ord. No. 05-10, § 2, 12-8-05)

#### **SEC. 407.77. - ~~RURAL/AGRICULTURE~~ CLUSTERED RURAL RESIDENTIAL SUBDIVISION.**

Clustering of rural residential development is encouraged, and required in subdivisions of 10 or more lots, in order to protect natural and historical resources, retain viable agriculture, minimize land use conflicts, provide for recreational and habitat corridors through linked open space networks and achieve flexibility, efficiency and cost reduction in the provision of services and infrastructure.

- (a) *Establishment.* All ~~rural/agriculture~~ clustered rural residential subdivisions shall comply with the requirements of this section and section 407.78. The submission requirements and review procedure for ~~rural/agriculture~~ clustered rural

residential subdivision development plans shall be in accordance with Chapter 402, Chapter 406, and Section 407.74.

**(b) Key Concepts for Clustered Rural Residential Subdivisions.**

**(1) Clustering.** Each clustered rural residential subdivision shall group principal buildings and structures together on a portion of the site and save the remaining land area for open space consisting of natural resource conservation areas, agriculture, recreation and other shared uses.

**(2) Design Sequence.** Each clustered rural residential subdivision shall be designed following a specific sequence of steps that prioritizes open space in accordance with (3) below and ensures development components such as houses and roads achieve a fit with the land based on the physical characteristics that are present onsite.

**(3) Open Space.** The design of each clustered rural residential subdivision shall begin with inventory and analysis of natural, agricultural, and physical features and characteristics of the site to identify and design a cohesive Open Space area. Conservation areas shall receive top priority for inclusion as part of the designated Open Space, followed by agricultural areas with viable soils and effective land masses. Historic and paleontological resources shall also be included when appropriate. The Open Space shall be designed as a single contiguous area with logical, straightforward boundaries to eliminate or minimize fragmentation, and shall form linked open space networks with existing or potential open space areas on adjacent properties, other developments, or greenways consistent with the Conservation and Open Space Element Section 6.3. The Open Space shall be permanently protected and act as the overall organizing element of the development.

**(4) Developed Area.** The Developed Area of each clustered rural residential subdivision shall be located outside of the Open Space on the least sensitive and agriculturally viable portion of the site and designed in accordance with design standards and requirements in section 407.78.

**(c) Design Process.** The design process for each clustered rural residential subdivision shall occur in the following sequence: identify Open Space giving priority to conservation and agricultural areas in accordance with subsection 407.77(b)(3), identify Developed Area, locate streets and locate individual lots and improvements.

~~(b)~~(d) *Open Space requirements.* A minimum of 50 percent Open Space shall be provided in all ~~rural/agriculture~~ clustered rural residential subdivisions. Open Space areas shall be established consistent with Article V, Open Space, of this chapter.

(1) *Uses.*

a. Permitted uses in the open space area may include:

- ~~i.~~1. Natural resource conservation areas;
- ~~ii.~~2. Non-intensive agriculture, ~~as defined in Chapter 410 for food production, including community gardens, that employs agroecological practices and diversified farming systems (including associated crop rotation such as flower or fiber production) for~~

i. residents of the development, or

ii. sales through means such as UPick, farm stand, community-supported agriculture (CSA), local farmers markets, restaurants, or other means that contribute to the local food economy of Alachua County;

This may include structures and service areas incidental to permitted agriculture such as greenhouses, storage sheds, and compost management areas. If septic systems are to be utilized for these uses then that shall be addressed in the management plan with provisions for protection of natural resource areas and agriculture areas.

Activities associated with the agricultural uses such as farm-to-table, education, and demonstrations shall be addressed in the management plan.

3. Non-intensive silviculture employing natural forest management practices;

~~iii.~~4. Common-oOpen space as defined in Chapter 410;

~~iv.~~5. Resource-based recreation uses which maintain the undeveloped area in a natural state; this may include horses and associated pastures and trails for personal recreation use;

~~v.~~6. Up to one-half of the required Open Space area may include:

i. \_\_\_\_\_sStormwater facilities;

~~vi.~~ii. Common water supply systems and common septic system drainfields consistent with Article XI, Water and Wastewater Service, of this Chapter;

~~vii.iii.~~ Common renewable energy systems;

~~viii. One residential unit used as a homestead immediately prior to the creation of the rural/agriculture clustered subdivision can continue to be used as a homestead within the open space area and will not be counted toward the total number of units allowed in the rural clustered subdivision.~~

b. Prohibited uses in any ~~rural/agriculture~~ clustered rural residential subdivision include:

1. The more intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens.

2. 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.

(2) *Permanent protection of the open space areas.*

a. 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, such as provisions for maintaining areas designated for conservation and agricultural areas in their approved uses.

b. 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.

c. 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.

(3) *Ownership and maintenance of the Open Space areas.* Ownership and maintenance of open space shall be by one or a combination of the following:

a. Original landowner at the time of plat recording 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).

**The ownership entity or entities listed above may arrange for an independent farm business to manage agriculture in the open space consistent with subsection 407.77(d)(1) pursuant to a lease or other agreement. Such a lease or agreement shall require that management of the agriculture be done consistent with the requirements of the management plan identified in (4) below, and shall incorporate the pertinent provisions of the management plan by reference. A copy of such lease or agreement shall be filed with the County.**

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.

- (4) *Management plan.* A final development plan for a ~~rural/agriculture~~ clustered rural residential subdivision shall include an Open Space management plan.

- a. The management plan shall establish management objectives **consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural and water resource values, protection of public health and safety,** outline procedures, and define the roles and responsibilities for managing the Open Space.

**Timing of transfer of ownership and maintenance from original landowner or developer to the homeowners association shall occur no later than the events specified in F.S. 720.307, or if transfer is to occur upon an event earlier than required by Florida law such as a lower percentage of lots conveyed, then it shall occur as specified in the governing documents for the homeowners association.**

- b. **Where agriculture and silviculture operations are proposed, the management plan shall identify protection of natural and water resource values according to the following standards:**

- 1. Agriculture or silviculture operations shall not occur within surface waters and wetlands and their buffers, significant plant and wildlife habitat, listed species habitat, or significant geologic features and their buffers. Existing operations shall demonstrate restoration of these resources if previously impacted.**



2. Agriculture and silviculture operations shall employ agroecological and diversified farming systems practices that promote water conservation, soil conservation and organic matter enhancement, and biodiversity. Farms will ensure nutrient management minimizes nutrient leaching and runoff and that an Integrated Pest Management Plan is developed to ensure the least toxic methods for weed and pest control are employed. For animal operations, rotational grazing techniques and minimum stocking densities will be used to ensure healthy pasture. Operations shall also employ the latest technology to minimize water use to the greatest extent possible. All such considerations shall be detailed in the management plan.
3. Any existing or proposed forestry/silviculture operations shall apply Natural Forest Management practices to restore or maintain the natural community structure and species composition of a natural forest community. Provisions for the restoration or management of the natural forest community, including the timing and type of activities to accomplish this goal (such as selective harvesting, prescribed fire) shall be included in the management plan.
4. Certified Naturally Grown or organic standards and principles of regenerative agriculture shall be permitted to the extent they are consistent with policies in the Comprehensive Plan for natural resource protection. Additionally, sources such as University of Florida Institute of Food and Agricultural Sciences (UF IFAS), USDA, and the Wallace Center can be utilized regarding recommended practices for certain agricultural activities, such as animal stocking and crop planting rates, provided they are protective of natural and water resource values.
- c. Management shall include wildfire mitigation. Existing silviculture operations shall be managed to minimize fire risk and must transition to natural forest management.
- d. The Open Space shall remain usable and accessible to the residents of the subdivision. Access to the open space shall be provided according to standards in Chapter 407, Article 5. For agricultural areas, access may be limited in the management plan to specified hours and/or events. However, residents shall have access to a minimum of 10% of the open space area at all times.

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12; Ord. No. 2020-09, § 2(Exh. A), 3-10-20)

**SEC. 407.78. - ~~RURAL/AGRICULTURE CLUSTERED~~ RURAL RESIDENTIAL SUBDIVISION DESIGN PROCESS FOR DEVELOPED AREA.**

In addition to the design process described in Section 407.74 ~~and 407.77~~, the following steps shall be taken in the design of a ~~rural/agriculture~~ clustered rural residential subdivision.

- (a) *Identify developable area and locate lots.* The following standards shall apply to all developable areas within clustered subdivisions.
  - (5) The developable area shall be located outside the designated Open Space area.
  - (6) Within the developable area, development of residences and infrastructure shall accommodate, to the extent possible, existing natural features, including site topography, ~~water courses, wetland, sinkholes,~~ tree and vegetation lines and similar natural resources.
  - (7) Developable area and lot locations shall be identified in accordance with Table 407.78.1.
  - (8) The developed area of any rural/agriculture clustered subdivision shall be designed to minimize the visibility of structures from public roadways located at the perimeter of the subdivision through the use of one or more of the following techniques:
    - a. ~~Centralizing~~ If consistent with the protection of Open Space, locate the developed area in-toward the interior of the property, ~~if consistent with the protection of Open Space;~~
    - b. Use of extensive setbacks from the perimeter of the subdivision to any developed area;
    - c. Use of roadway alignments that minimize visibility;
    - d. Use of buffering, including the planting of additional trees and vegetation;
    - e. ~~Use of fences and walls constructed using materials, colors and styles consistent with the character and context of the area in which located; and~~
    - f.e. Retention of trees and understory on individual lots.
- (b) *Buffering of conservation and preservation areas.* When located adjacent to a conservation or preservation area, a ~~rural/agriculture~~ clustered rural residential subdivision shall provide a buffer as indicated in Chapter ~~405 and 406~~ of this ULDC.
- (c) *Location of roads.* Within a ~~rural/agriculture~~ clustered rural residential subdivision, the location and construction of roads shall be dependent upon the location of designated Open Space areas, the identification of most appropriate developed areas, and the anticipated location of individual lots based upon

location criteria for such sites. Criteria applicable to the location of roads to serve a rural/agriculture clustered subdivision are listed below.

(1) *Construction specifications.* The roads within a clustered **rural residential** subdivision shall be designed to meet the narrowest road profile contained in Table 407.~~80.1140.1~~ that shall be adequate to carry projected traffic, considering required connections to roads serving other residential development, and connections to public roads located along the perimeter of the development.

~~(2) *Buffers and setbacks.* Roads shall be installed to comply with the minimum buffer and setback requirements from surface waters and wetlands established in Chapter 406, Article VI.~~

~~(3)~~(2) *Site ~~Location~~ criteria.* All roads shall be located so as to minimize alteration of existing terrain, and shall comply with the criteria listed below.

- a. Use of existing topography. Roads shall be located to follow the natural topography and terrain, rather than to be located so as to require extensive alteration by cut and fill or other construction methods.
- b. Use of existing natural features. In addition to following existing topography, roads shall be located adjacent to field edges or tree lines, to avoid excessive removal of natural trees and vegetation.
- c. Use of existing paths or trails. The use of existing vehicular access roads, paths or trails is encouraged **consistent with protection of conservation and agricultural resources**.
- d. Connectivity. ~~Roads shall connect internally with~~ **Connections shall be provided to** adjacent residential development, **except for developments of 9 lots or less utilizing the provisions of section 407.76.**

(3) *Road improvements.* All internal, ~~connecting and local~~ roads shall comply with applicable county standards for width and paving, including paved **public road** access ~~to public roads, except as provided under (c)~~. In addition, all roads shall comply with the following criteria:

- a. The roads shall be dedicated for maintenance purposes to an entity approved by the DRC, and may include the County, a homeowners' association, other public agency or similar entity; and
- b. The roads shall be designed to minimize the number of driveways or similar connections to rural collector and arterial streets.
- c. **For clustered subdivisions of 9 or less lots the requirements and limitations of section 407.76 shall also apply.**

*Emergency access.* When required, access for emergency service vehicles shall be designed consistent with the requirements of subsection 407.140(a)(6).

(d) *Protection of agricultural activities.*

(1) *Buffering required.*

- a. When located adjacent to agricultural activities that exist either on an adjacent property or within all or part of the Open Space area of the ~~rural/agriculture~~ clustered rural residential subdivision, buffering shall be provided. The width and type of buffer, is to be determined on an individual basis for each ~~rural/agriculture~~ clustered rural residential subdivision and in no case shall be less than forty feet in width. A minimum buffer width of two hundred feet shall be provided when the developed area is adjacent to intensive agricultural uses. Determination of the width and type of buffer shall be based on the following factors:

- i. The location, type and scale of agricultural activities;
- ii. The location of the developed area in relation to the agricultural activities.
- iii. The absence of trees and understory vegetation in the proposed buffer area to provide an opaque screen of agricultural activities on abutting properties;
- iv. The absence of topographic features in the proposed buffer area to provide an opaque screen of agricultural activities on abutting properties; or
- v. The presence of other significant structures used for large scale commercial or industrial activities permitted by the Comprehensive Plan or this ULDC.

~~b. Where a rural/agriculture clustered rural residential subdivision is adjacent to intensive agricultural uses on adjoining properties and a determination has been made to grant approval of a buffer less than 200 feet in width, appropriate language shall be included in the homeowner's association documents. Such language shall state that the subdivision abuts an intensive agriculture use and the owners do not have valid complaints regarding permitted and allowable activities associated with the agricultural use.~~

- (2) *Fencing permitted.* Where useful or necessary for the protection of the agricultural activity, agricultural lands included in permitted Open Space in such a subdivision may be fenced. The fencing, if any, shall be in addition to the required buffers.

- (e) *Potable water and wastewater.* A final development plan for a ~~rural/agriculture~~ clustered rural residential subdivision shall include an overall plan for furnishing water and wastewater services consistent with Article XI of this chapter and including the method for providing potable water and wastewater treatment to individual residences. ~~Community wells and septic systems are encouraged within areas where centralized systems are not available. Any potable or wastewater systems located in the Open Space must be identified in the management plan with provisions to ensure they will not interfere with the operations of agricultural areas. If septic systems are to be utilized for these uses then that shall be addressed in the management plan with provisions for protection of natural resource areas and agriculture areas.~~
- (f) *Stormwater Management treatment plan.* A final development plan for a ~~rural/agriculture~~ clustered rural residential subdivision shall include a detailed engineering plan for stormwater management consistent with article IX of this chapter. Stormwater management should be designed 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. Water Quality treatment provided by roadside and lot line swales contribute to meeting the stormwater treatment performance standards in Chapter 77, Article 3, Section 77.27, including Low Impact Design requirements, and should be included in the calculations required by Chapter 77, Article 3. Untreated stormwater may not be directed to agricultural areas.
- (g) *Dimensional standards for rural/agricultural clustered subdivisions* Dimensional standards for rural/agriculture clustered subdivisions are set forth in table 407.78.1 below:

Table 407.78.1 Dimensional Standards for Rural/Agriculture Clustered <u>Rural Residential</u> Subdivisions			
Property Development Standard		Requirement	Additional Requirements
Area for clustered subdivision, min.		20 acres	Property shall be located in areas designated as Rural/Agriculture.
Density, max. (units/acre)		1 dwelling unit/5 acres	Gross Residential Density
Open Space, min.		50%	Measured from gross site area
Lot Dimensions:			
Area, min. <del>(standard lot)</del>		1 acre	<u>Where there is a demonstration that the associated sanitary systems will cause no degradation of surface water or groundwater quality, as determined by the Alachua County Environmental Protection Department, lots as small as ½ acre may be allowed consistent with Table 407.110.1. A Department of Health approved nitrogen reducing enhanced septic system may qualify for this exception.</u> <del>When dwelling served by individual well or septic tank</del>
Area, min. <del>(small lot)</del>		0.5 Acre	<del>Applicant must demonstrate that smaller lot size will not cause groundwater quality degradation at or above the standard of 1 acre lot with individual septic tank system and demonstrates compliance with all applicable Health Department and water resource protection requirements</del>
Width at front building line, min		75 ft	None
Lot depth, min		100 ft	None
Setback Dimensions, Principal and Accessory Structures:			
Front, min.	Principal	25 ft	Same for Accessory Structures

Table 407.78.1 Dimensional Standards for <del>Rural/Agriculture</del> Clustered <u>Rural Residential</u> Subdivisions			
Property Development Standard		Requirement	Additional Requirements
Rear, min.	Principal	30 ft	10 ft for Accessory Structures
Interior side, min.	Principal	12.5 ft	15 ft for Accessory Structures
Street side, min.	Principal	40 ft	Same for Accessory Structures
<b><i>Building Standards:</i></b>			
Height, max. at eaves		35 ft	None
Building coverage, max.		25%	<ul style="list-style-type: none"> <li>Includes all areas under a permanent roof, including garages, porches, patios, etc.</li> <li>Does not include pools, pool decks, recreational facilities such as tennis or basketball courts</li> </ul>
Impervious coverage, max.		40%	<ul style="list-style-type: none"> <li>Includes all building coverage and recreational amenities including pools and courts</li> <li>Includes all paved parking and driveway areas</li> </ul>

(1) *Reduction of property development regulations.* As part of a final development plan approval, the DRC may reduce the minimum property development standards in Table 407.78.1 above for front setback, rear setback, lot width and lot depth by no more than 25 percent, upon a determination that the reduction shall:

- a. Allow preservation of heritage, champion or desirable mature trees;
- b. Preserve or enhance existing natural drainage features;
- c. Enhance one or more features associated with Open Space; or
- d. Allow maximum use of and minimum alteration to topographical features;

- e. Allow the use of topographic features in establishing the exact location of roads or individual lot lines.
- (2) *Variances to property development regulations prohibited.* The DRC shall not grant a variance to reduce any property development regulation established by this section.
- (h) *Density incentives for ~~rural/agriculture~~ clustered rural residential subdivisions.* Maximum density as provided in Table 407.78.1 above may be increased in accordance with Table 407.78.2 for a parent tract established prior to October 2, 1991 ~~and with the criteria in subsection (i) below.~~

Table 407.78.2 Maximum Rural/Agricultural Residential Density	
Potential additional units allowed*	Requirement
2 units for each subdivision	Minimum of 50% permanent Open Space
1 additional unit	Per 10 acres of conservation area <u>or agriculture area, per subsection 407.77(d)(1)a.1&amp;2 and (4),</u> permanently protected as Open Space
1 additional unit	Per 20 acres of <del>permanent</del> non-conservation area permanently protected as Open Space
<p><i>Note:</i></p> <p>Parcels that include or are adjacent to conservation or preservation areas shall not receive higher density or intensity consideration than the currently adopted designations unless adequate natural resources protection is ensured pursuant to Comprehensive Plan policies and requirements.</p>	

- ~~(i) **Residential homestead exception.** In addition to the provisions for additional units established by this section, a dwelling unit that was used as a homestead prior to the creation of the clustered subdivision:~~
- ~~(1) May continue to be used as a homestead;~~
- ~~(2) May be located in a designated Open Space area; and~~



~~(3) — Shall not be included within the calculation of maximum gross density for the subdivision.~~

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 06-14, § 2(Exh. A), 7-20-06; Ord. No. 08-06, § 2(Exh. A), 4-22-08; Ord. No. 09-01, § 2(Exh. A), 2-24-09; Ord. No. 12-09, § 2(Exh. A), 10-9-12; Ord. No. 2018-23, § 2(Exh. A), 10-9-18; Ord. No. 2020-09, § 2(Exh. A), 3-10-20)

**Editor's note**— Ord. No. 09-01, § 2(Exh. A), adopted Feb. 24, 2009, repealed former § 407.78.5 in its entirety which pertained to subdivision street network standards and derived from Ord. No. 05-10, § 2, 12-8-05; Ord. No. 06-14, § 2(Exh. A), 7-20-06.

**CHAPTER 407. – ARTICLE XIII. – ACCESS MANAGEMENT AND STREET NETWORK STANDARDS****SEC. 407.141. - MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND DRAINAGE SYSTEMS.**

The purpose of this section is to identify street design and construction standards required as a condition of final subdivision approval.

- (a) *Determination of street types.* Street types shall be determined on the basis of the number of vehicle trips per day generated by each type of land use contemplated for the development and on the Alachua County Corridor Design Manual. The number of vehicle trips generated shall be calculated based on the 8th Edition Trip Generation Manual published by the Institute of Transportation Engineers, Washington D.C., as incorporated by Rule 14-96.005(4)(a), F.A.C. A trip generation and distribution analysis shall be performed by a transportation professional in accordance with generally accepted engineering practices and shall require approval by the county engineer. The average daily traffic volumes shall be shown at each approach of every street intersection within the development.
- (1) The lane width of the proposed streets shall be based upon the projected average daily trips (ADT), land use context and standards outlined in the Alachua County Corridor Design Manual.
  - (2) All streets, whether public or private shall be designed and constructed in accordance with the State of Florida Manual of Uniform Minimum Standards For Design, Construction and Maintenance For Streets and Highways, the "Construction and Inspection Standards of the Public Works Department", the Alachua County Corridor Design Manual and these regulations. Typical street section drawings may be obtained from the county engineer.
- (b) *Excluded facilities.* Access ways, alleys and driveways leading to on-site parking in common areas or to individual lots **and private roads in rural residential subdivisions of fewer than 10 lots** may be excluded from the definition of a street, provided that the following occur:
- (1) Estimated average daily traffic does not exceed 400 trips at full development for multiple-family or 125 trips for single-family detached lots.
  - (2) Appropriate provisions are made for the private maintenance of these areas.
  - (3) These areas serve only those lots adjacent to the common areas or easements.
  - (4) The maximum distance from the public street road to the most distant lot or parking space in the common area or easement as measured along the centerline of the access way or driveway is no greater than 1,000 feet.
  - (5) Such access ways, alleys, driveways and associated parking areas shall meet the existing off-street parking requirements of Alachua County, as well as criteria

established in this article. The minimum width of pavement for this access shall be ten feet for ADT less than 200 and 16 feet for ADT greater than 200.

- (6) For private roads in rural residential subdivisions with fewer than 10 lots, the road shall have a traveled width of 18 feet with a minimum LBR of 35, two foot stabilized shoulders and a minimum depth of 6 inches for the stabilized area. Private roads may be paved. Private roads shall be in an easement or common area not less than 40 feet in width. Drainage for private roads shall be designed to meet the requirements of this ULDC.**

## CHAPTER 410. – ARTICLE III. – DEFINED TERMS

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Agroecology: The integrative study of the ecology of the entire food system, encompassing ecological, economic, and social dimensions. Agroecological production practices harness, maintain, and enhance biological and ecological processes in agricultural production, and include diversification, mixed cultivation, intercropping, cultivar mixtures, habitat management techniques for crop-associated biodiversity, biological pest control, improvement of soil structure and health, biological nitrogen fixation, and recycling of nutrients, energy and waste.

...

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.

...