

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 20-

AN ORDINANCE (CPA-04-20) OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040, BY AMENDING POLICIES IN SECTION 6.0 OF THE FUTURE LAND USE ELEMENT RELATING TO CLUSTERED RURAL RESIDENTIAL SUBDIVISIONS INCLUDING: PERMITTED AND PROHIBITED USES IN THE OPEN SPACE; MANAGEMENT PLANS; IMPLEMENTING LAND DEVELOPMENT REGULATIONS; INCREASING THE INCENTIVE FOR INCLUSION OF AGRICULTURE SUCH AS COMMUNITY GARDENS IN THE OPEN SPACE; LOWERING THE THRESHOLD FOR REQUIRING SUBDIVISIONS IN THE RURAL/AGRICULTURE FUTURE LAND USE CATEGORY TO BE DEVELOPED AS CLUSTERED RURAL RESIDENTIAL SUBDIVISIONS; AND ANY RELATED POLICIES IN THE COMPREHENSIVE PLAN; AND TO AMEND THE REQUIREMENTS FOR INTERNAL ROADS IN RURAL RESIDENTIAL SUBDIVISIONS BY INCREASING THE MAXIMUM NUMBER OF LOTS IN SUCH SUBDIVISIONS ALLOWED TO HAVE UNPAVED PRIVATE EASEMENT ROADS; AND TO ADD NEW DEFINITIONS TO FUTURE LAND USE ELEMENT; PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING FOR MODIFICATION; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Community Planning Act (Section 163.3161, et. seq., Florida Statutes) requires that each local government prepare and adopt a comprehensive plan; and

WHEREAS, Section 163.3184(11)(a), Florida Statutes, requires that any amendment to the Comprehensive Plan or any element or portion thereof be made by ordinance; and,

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make a text amendment (Application CPA-04-20) to amend the Alachua County Comprehensive Plan 2019-2040 by amending Policies in Future Land Use Element Section 6.0 related to Rural Residential Subdivisions; and,

WHEREAS, a duly advertised public hearing was conducted on August 19, 2020 after 5:00 p.m. by the Alachua County Planning Commission, acting as the Local Planning Agency (LPA) and the LPA provided its recommendation to the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the LPA at a duly advertised public hearing held on September 8, 2020 and approved this plan amendment for transmittal, as provided in Section 163.3184(3)(b)1., Florida Statutes, to the State Land Planning Agency, other reviewing agencies as defined in Section 163.3184(1)(c), Florida Statutes, and other local governments for review and comment; and,

WHEREAS, pursuant to Section 163.3184(3)(b)2., Florida Statutes, the reviewing agencies and local governments must transmit their comments to the County such that they are received no later than 30 days from the date on which the reviewing agency or local government received the amendment; and,

WHEREAS, the State Land Planning Agency received the proposed amendment, and provided a letter to the County dated September 14, 2020 indicating that the County would receive the State Land Planning Agency's comment letter by October 14, 2020; and,

WHEREAS, the reviewing agencies identified in Section 163.3184(1)(c), F.S. reviewed the proposed comprehensive plan amendment pursuant to Sections

163.3184(3)(b)2, 3, and 4, F.S., and letters were received by the County from the State Land Planning Agency, the St. Johns River Water Management District, the Suwannee River Water Management District, the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission by October 14, 2020, and those letters stated there were no comments or objections; and,

WHEREAS, pursuant to Section 163.3184(3)(b)(c), the County is required to hold a public hearing on whether to adopt the comprehensive plan amendment within 180 days after receipt of agency comments; and,

WHEREAS, at the October 27, 2020 public hearing, the Board of County Commissioners considered those agency letters, and provided for and received public participation, and the amendment embodied in Exhibit "A" is not changed from the amendment approved for transmittal to the State Land Planning Agency; and,

WHEREAS, the Board of County Commissioners finds CPA 04-20 to be in compliance with Chapter 163, Part II of the Florida Statutes and adopted the amendment, as embodied in Section 1 below; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY:

SECTION 1. That the Alachua County Comprehensive Plan: 2019-2040 is hereby amended by amending Future Land Use Element Section 6.0 as shown on Exhibit "A" and incorporated herein as a part thereof.

SECTION 2. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are

deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua County, Florida.

**SECTION 3. Repealing Clause.** All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**SECTION 4. Severability.** It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

**SECTION 5. Effective Date.** This plan amendment shall become effective 31 days after the state land planning agency notifies the County that the plan amendment package is complete pursuant to Section 163.3184(3)(c)4, Florida Statutes. If the amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, then it will become effective upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment to be in compliance.

**SECTION 6. Modification.** It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Duly adopted in regular session, this 27th day of October, A.D., 2020.

BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Robert Hutchinson, Chair  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Jesse K. Irby II, Clerk

(SEAL)

DEPARTMENT APPROVAL  
AS TO CORRECTNESS:

*MKDaniels*  
\_\_\_\_\_  
Director of Growth Management  
or designee

APPROVED AS TO FORM:

\_\_\_\_\_  
Alachua County Attorney

# EXHIBIT A

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

### **6.0 RURAL AND AGRICULTURAL POLICIES**

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**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).

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#### **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.
- ~~(e)~~(d) Minimize land use conflicts.
- ~~(d)~~(e) Provide recreational and habitat corridors through linked open space networks.
- ~~(e)~~(f) Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure.
- ~~(f)~~(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.

- (a) 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.
- (b) 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.
- (c) Permanent occupancy by the owner of either the primary or accessory dwelling unit shall be required for all accessory dwelling units.
- (d) 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.

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