

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 20-
(Unified Land Development Code Amendment)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE IN THE ALACHUA COUNTY CODE OF ORDINANCES, PART III, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE UNINCORPORATED AREA OF ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 402 DEVELOPMENT APPLICATION REVIEW PROCEDURES CONTENTS, CHAPTER 403 ZONING DISTRICTS, CHAPTER 404 USE REGULATIONS, CHAPTER 405 SPECIAL DISTRICTS AND ACTIVITY CENTERS, CHAPTER 406 NATURAL AND HISTORIC RESOURCES PROTECTION, AND CHAPTER 407 GENERAL DEVELOPMENT STANDARDS, AND CHAPTER 410 DEFINITIONS RELATED TO OPEN SPACE IN DEVELOPMENTS; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized, empowered and directed to adopt land development regulations to implement the Comprehensive Plan and to guide and regulate the growth and development of the County in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3161 et seq.,) Florida Statutes; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its 2019-2040 Comprehensive Plan, which became effective on December 13, 2019; and

WHEREAS, the Board of County Commissioners of Alachua County adopted its Unified Land Development Code, which became effective on January 30, 2006; and

1 WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to
2 make amendments to the Alachua County Code of Ordinances Part III, Unified Land
3 Development Code, relating to development of land in Alachua County; and

4 WHEREAS, the Board of County Commissioners, acting as the Land Development
5 Regulation Commission, has determined that the land development regulations that are the
6 subject of this ordinance are consistent with the Alachua County Comprehensive Plan; and,

7 WHEREAS, a duly noticed public hearing was conducted on such proposed amendment
8 on February 11, 2019 by the Board of County Commissioners, with the hearing being held after
9 5:00 o'clock p.m.;

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 ALACHUA COUNTY, FLORIDA:

12 Section 1. Legislative Findings of Fact. The Board of County Commissioners of
13 Alachua County, Florida, finds and declares that all the statements set forth in the preamble of
14 this ordinance are true and correct.

15 Section 2. Unified Land Development Code. The Unified Land Development Code of
16 the Alachua County Code of Ordinances Part III is hereby amended as shown in Exhibit A and
17 attached hereto.

18 Section 3. Modification. It is the intent of the Board of County Commissioners that the
19 provisions of this ordinance may be modified as a result of considerations that may arise during
20 public hearings. Such modifications shall be incorporated into the final version of the ordinance
21 adopted by the Board and filed by the Clerk to the Board.

1 Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith
2 are, to the extent of the conflict, hereby repealed.

3 Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
4 County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time
5 as the Development Regulations of Alachua County are codified, the provisions of this ordinance
6 shall become and be made part of the Unified Land Development Code of Alachua County,
7 Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such
8 intention, and the word "ordinance" may be changed to "section," "article," or other appropriate
9 designation. The correction of typographical errors that do not affect the intent of the ordinance
10 may be authorized by the County Manager or designee, without public hearing, by filing a
11 corrected or re-codified copy of the same with the Clerk of the Circuit Court.

12 Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally
13 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
14 affect public health, safety, or welfare.

15 Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is
16 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
17 portion shall be deemed a separate, distinct and independent provision, and such holding shall
18 not affect the validity of the remaining portions thereof.

19 Section 8. Effective Date. A certified copy of this ordinance shall be filed with the
20 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
21 after enactment by the Board of County Commissioners, and shall take effect upon filing with
22 the Department of State.

1 DULY ADOPTED in regular session, this 11th day of February, A.D., 2020.

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3
4
5 BOARD OF COUNTY COMMISSIONERS OF
6 ALACHUA COUNTY, FLORIDA

7
8 By: _____
9 Robert Hutchinson, Chair

10 ATTEST:

11 _____ APPROVED AS TO FORM

12 J.K. Irby, Clerk Esq.
13

14
15 (SEAL)

Alachua County Attorney

16
17 DEPARTMENT APPROVAL

18 AS TO CORRECTNESS

19
20 _____
21 Department of Growth Management

22 Authorized Designee
23
24
25
26

1 EXHIBIT A: UNIFIED LAND DEVELOPMENT CODE REVISIONS

2 Sec. 402.18. - General requirements.

3 (c) *Workshop elements.* At the workshop, the applicant shall present the following, as applicable:

- 4 (1) A general concept plan for the use of all included lands. Such plans shall indicate the general
5 location of residential areas (including density and unit types), ~~open-Open space~~ Space, active
6 or resource-based recreation areas, natural areas (including wetlands and flood plains), and
7 non-residential areas (including maximum square footage and maximum height).

8 Sec. 402.43. - Development plan review steps.

9 (a) *Preliminary development plan.* The purpose of this stage is for the development review committee
10 and the applicant to determine the specific characteristics of a site that will influence its design. The
11 preliminary development plan shall detail regulated natural resources that exist on site, approximate
12 access points, and location of utilities that will serve the site. Minimum ~~open-Open space~~ Space
13 areas and tree protection defined with the preliminary development plan shall be utilized in the final
14 development plan.

15 Sec. 402.89. - Revision of planned development district.

16 (c) *Minor changes to planned development district approval.* A proposed change that would not affect
17 the intent and purpose of the planned development may be deemed a minor change that may be
18 approved by the development review committee as listed below:

- 19 (1) Setbacks on single lots.
20 (2) Slight shifts in building orientation;
21 (3) Slight shifts in phase lines;
22 (4) *Reserved.*
23 (5) For lots located on the interior of the development, changes to lot sizes or dimensions;
24 (6) Residential unit types on the interior portion of a PD may be shifted between phases provided
25 the overall gross residential density is maintained;
26 (7) Creation of active recreation in common ~~open-Open space~~ Space areas, not to include ~~primary~~
27 ~~open-space~~ a designated Conservation Management Area;
28 (8) Slight changes in alignment, location, direction or length of an interior street as a result of site
29 engineering;
30 (9) An increase in the number of exterior access points or the relocation of exterior access points
31 where it can be shown that such a change furthers the intent of the comprehensive plan to
32 provide for interconnectivity between developments;
33 (10) Additions of bicycle or pedestrian connections;
34 (11) Time table extensions of one year or less for a specific phase of development; or
35 (12) Other minor changes approved by the growth management director.

36
37 Sec. 402.93. - Master plan application.

38 (a) *Master plan elements.* An activity center master plan shall provide for a specific plan of development
39 for each activity center to implement the general activity center policies and existing activity center

plans contained in the Comprehensive Plan's Future Land Use Element 2.0 Urban Activity Center Policies. The master plan shall, at a minimum, address the following considerations:

(10) General location, dimensions, and type of conservation and ~~open-Open space-Space~~ areas that will serve all land uses within the master plan area. This shall include any opportunities for shared ~~open-Open space-Space~~ if applicable.

(14) Infrastructure plan. An infrastructure plan shall provide a general analysis of the infrastructure needs for the master plan area at buildout conditions, and a phasing plan for any needed infrastructure improvements associated with development in the master plan area. Infrastructure shall include, but is not limited to multi-modal transportation facilities, stormwater management facilities, utilities, ~~open-Open spaceSpace~~, and civic space. Mechanisms for implementing shared infrastructure shall be provided.

Sec. 402.113. - Criteria for approval.

The board of county commissioners shall, as part of a decision to approve an application for special exception, make a finding that an application complies with both the general criteria and the review factors listed below.

(8) Required yards and other ~~open-space~~greenspace;

Sec. 402.124. - Criteria for approval.

The board of county commissioners shall, as part of a decision to approve an application for a special use permit, make a finding that an application complies with both the general criteria and the review factors listed below:

(8) Required yards and other ~~open-space~~greenspace;

(9) General compatibility with surrounding properties; and

(10) Any special requirements set forth in this ULDC for the particular use involved.

Sec. 402.182. - Establishment of sending and receiving areas

(b) *Receiving areas.*

(1) Any nonresidential development in the unincorporated area may become a receiving area through the purchase of development rights in order to reduce the amount of ~~open-Open space~~ Space required on the development site, at a transfer rate of ten development rights per acre of reduced ~~open-Open space~~Space. Mixed use areas shall use the same transfer rate proportionate to the amount of non-residential use in the development.

(c) *Authority to transfer development rights.*

(1) Each transferor granted a transfer of development rights certificate shall have the authority to sever all of the development rights (minus the residual uses) from the parcel in a sending district and to sell or otherwise transfer those rights to a transferee in a receiving district consistent with section 402.185 below.

(2) The transferee may apply the rights to a property in the receiving area in accordance with subsection 402.185(c) below.

(3) Any transfer of development rights pursuant to this ordinance authorizes only a reduction in ~~open~~ Open space ~~Space~~ or is fulfilling a requirement of an application to expand the urban cluster. Development standards of the receiving district shall not otherwise be altered or waived including standards for stormwater, landscaping, floodplains, wetlands, or other environmentally sensitive areas.

Sec. 402.185. - Transfer of development rights.

~~(c) Use of transferred development rights by a receiving property.~~

~~(1) Open space Space reduction. Purchasers of development rights seeking to reduce the open Open space ~~Space~~ requirements for a proposed development shall submit a development plan in accordance with Article X, Development Plan Review and with the following additional information:~~

~~a. Completed and notarized instrument of transfer as described in subsection 402.185(b) above.~~

~~b. Proof of purchase of the development rights.~~

Sec. 403.02. - Establishment of zoning districts.

~~(b) Usable pervious open space shall be provided on at least 20 percent of a development site. Natural and landscaped open spaces or transitional development and design practices shall be provided to adequately integrate development along the edges of different land use categories. Open Space shall be provided consistent with the standards in Article V of Chapter 407. Standards for landscaping design practices and criteria for the required 20 percent pervious open space are provided in article IV and article V, respectively, of chapter 407.~~

Sec. 403.10. - Multifamily residential requirements.

(d) A minimum of five percent of the development shall be designated for developed recreational ~~open~~ space, such as community fields, greens, plazas, squares or outdoor sports facilities. Such recreational ~~open~~ space shall be designed for use by residents of the development.

(f) A continuous pedestrian circulation system shall be provided throughout the entire development. The system shall link all units to all developed recreational ~~open~~ space, parking, planned or existing bus facilities, and to existing public sidewalks or public right-of-way that is located adjacent to the development.

Sec. 403.17. - Planned development (PD) district.

(3) *Phased development.*

b. The zoning master plan or the development order approval for a planned development shall set forth the phasing plan, including:

vi. The overall phasing plan, indicating the approximate date when development of each phase will begin and the completion date of each phase, including an indication that each phase will be viable with regard to proper access, circulation, drainage, ~~open~~ Open space ~~Space~~ and utilities; and

c. A development plan for each phase shall be reviewed separately by the development review committee and shall be designed to include proper access, traffic circulation, natural

resource protection, stormwater management, ~~open~~ Open space ~~Space~~, recreation and utilities to ensure viability of each and all stages of development.

Sec. 403.22. - Manufactured/mobile home park (RM) district.

- (b) *Manufactured/mobile home park development requirements.* In addition to the requirements of the comprehensive plan and this ULDC, a manufactured/mobile home park shall comply with each of the requirements listed below.

- (7) *Required recreational area.* A minimum of five percent of the development shall be designated for developed recreational ~~open~~ Open space ~~Space~~, such as community fields, greens, or outdoor sports facilities. Such ~~open~~ Open space ~~Space~~ shall be designed for use by residents of the development.

Sec. 404.13.1. - Community garden.

Community gardens are allowed as a limited use in all zoning districts, in traditional neighborhood and transit oriented developments, and in designated ~~secondary open~~ Open space ~~Space~~ and common areas within developments including planned developments, subject to the following standards:

- (a) *Garden management.* Each community garden shall post a sign at the site with the name and contact information of the person or entity responsible for the garden, and may also include the name of the garden. The sign shall not exceed six square feet in area. If the sign is a freestanding sign it shall be no more than four feet tall.
- (b) *Site design.*
- (1) Use of the site shall be subject to all standards in this ULDC and to any approved development plan.
- (2) The following accessory buildings or structures may be permitted on site in conjunction with a community garden:
- Greenhouses used for plant cultivation;
 - Sheds used for tool and materials storage; and
 - Seasonal farm stands if approved by the director in accordance with Chapter 402, Article XXV, Temporary Use Permits.
- (c) *Sustainable practices encouraged.* Site users are encouraged to use sustainable gardening practices, such as organic techniques, and the use of non-organic pesticides is discouraged.

Sec. 405.07. - Design standards for developments other than TNDs or TODs in activity centers.

- (b) Stormwater facilities.

- (1) The design and construction of stormwater facilities shall be in accordance with Article IX, Stormwater Management, of Chapter 407 and other applicable regulations, ordinances, resolutions and rules. The stormwater management system shall also be consistent with applicable activity center Master Plans, special area studies and the standards herein.
- (2) A stormwater plan will be required as part of an activity center master plan. The stormwater plan shall provide data on the stormwater retention needs for the entire master plan area (minimum of one quadrant within the activity center) at build out conditions, and provide a mechanism for shared stormwater facilities, where feasible.
- (3) Surface stormwater facilities shall be designed to provide a physical or visual amenity within an activity center ~~as public open space~~, or as an aesthetic feature to resemble natural areas with native landscaping, consistent with ~~Article V, Open Space, and Article IV, Landscaping and~~ Article IX, Stormwater Management, of Chapter 407 of this ULDC.

(g) *Open space.*

- (1) ~~Open space~~Space, ~~landscape, and buffer areas~~ shall be provided on ~~at least 20 percent of an~~ activity center site in accordance with Article V, Open Space, of this ULDC. The required ~~open~~ Open space ~~Space~~ may be provided on a site-by-site basis through the development review process, or on an overall activity center basis through the use of the activity center master planning process.
- (2) Land designated for ~~open~~ Open space ~~Space~~ shall be accessible from all areas of the activity center.

(h) *Civic space.*

- (1) A minimum of 500 square feet of civic space per acre of land must be provided within an activity center. This requirement may be met through the provision of one or more centrally located spaces within the activity center using the master plan process, or on an individual development basis through the development plan review process.
- (2) Where civic space is required, it may be in the form of police stations, libraries, day cares, fire stations, meeting halls, governmental buildings, museums, schools, performing arts centers, religious buildings, community centers, amphitheaters, public squares, parks, landscaped plazas, courtyards or similar elements approved by the development review committee or board of county commissioners.
- (3) ~~Civic space may be used to satisfy up to 50 percent of the required open space for an activity center site if the civic space otherwise meets the open space requirements of this ULDC and the comprehensive plan. At least 25 percent of the required civic space for an activity center site must be in the form of civic structures or usable open space.~~
- (43) Civic space shall provide linkages between buildings and land uses within the activity center.
- (54) Civic uses should be located on prominent sites throughout the activity center and serve as focal points and landmarks for the community.

Sec. 406.01. - Purpose.

It is the purpose of this chapter to:

- (a) Preserve, protect, and improve the public health, safety, general welfare, and quality of life of the citizens of Alachua County, by conserving, managing, restoring, or enhancing natural and human-related resources that provide potable water, clean air, productive soils, and a healthful array of human, plant and animal life;
- (b) Implement the comprehensive plan, with particular emphasis on preserving and protecting biodiversity and the ecological values and functions of uplands, wetlands, open bodies of water and flowing streams, floodplains, groundwater, springs, caves, and other significant geologic features, soils and slopes, and flora and fauna; and
- (c) Protect the natural resources, ~~open spaces~~greenspaces, and historic character of the community in a manner that preserves and cultivates a unique sense of place while fostering economic well-being, maintaining adequate quality and quantity of water and land, and minimizing the present and future vulnerability to natural and man-made hazards.

Sec. 406.03. - Use of sound environmental practices.

The provisions in this chapter are intended to accommodate development while also protecting and preserving valuable natural and historic resources. In furtherance of this objective, applicants shall be required to use sound environmental practices, to plan for proposed activities and projects in the context of natural systems and historic features of the landscape. Applicants are encouraged to use conservation

design techniques such as clustering and density transfer to produce marketable projects while protecting natural and historic resources.

- (a) *Satisfaction of ~~open-Open space-Space~~ requirements.* When land development involves a parcel that contains regulated natural or historic resources, the county's ~~open-Open space-Space~~ requirements shall be fulfilled first with regulated natural or historic resources. These areas shall be protected as conservation management areas in accordance with article XVII.

- (d) *Eligibility for planned development with transfer of development (PD-TDR).*

- (1) Planned developments with transfers of development rights (PD-TDR) may be proposed for two or more noncontiguous tracts of land to facilitate transfers of development rights from regulated conservation areas as defined in Conservation and Open Space Element Policy 3.1.1, to less sensitive areas designated as rural/agriculture on the future land use map. The PD-TDR will allow units of density to be transferred from one parcel (sending area) to another (receiving area) and both parcels shall be rezoned as PD-TDR-S and PD-TDR-R, respectively. As a result of the transfer, receiving parcels may be developed at a gross density that exceeds that provided on the receiving parcel by the rural/agriculture land use category. The process and standards for planned developments in Article 2 of Chapter 402, and rural cluster subdivisions in section 407.77 and 407.78 of this ULDC shall apply to the combined PD-TDR Master Plan for both areas with the following additional requirements:

- h. A minimum of 50 percent of the combined acreage of the sending and receiving parcels shall be permanently set aside as ~~open-Open space-Space~~ on the sending parcel. Additionally, at least ~~20-10~~ percent of the receiving parcel shall be designated as ~~open-Open space-Space~~ on the PD master plan consistent with COSE Policy 5.2.21.

Sec. 406.04. - Resources assessment requirements.

All applications for proposals with potential adverse impact to natural or historic resources, including but not limited to applications for land use change, zoning change, and development plan approval, shall include an assessment of natural and historic resource information. The assessment shall be complete at or before the preliminary development review stage where applicable. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications, and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the county.

- (b) *Minimum contents.* The assessment shall include site-specific identification, mapping, and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:

- f. Proposed location of protected conservation resources and ~~open-Open space-Space~~.
- g. Potential connections to existing green-space, ~~open-Open space-Space~~, trails, and adjacent preservation or conservation resources.

1 Sec. 406.10. - Applicability.

2 (d) Existing native vegetation on a development site shall be protected in accordance with the following
3 requirements in this ULDC:

- 4 (1) Provision of ~~open-Open space-Space~~ in accordance with article V of chapter 407;
5 (2) Protection of significant plant and wildlife habitat in accordance with article III of this chapter;
6 (3) Protection of all other conservation and preservation areas as identified in this chapter; and
7 (4) Protections required by an adopted special area plan as identified in chapter 405 of this ULDC.

8 Sec. 406.98. - Location.

9 Conservation management areas shall be located in one or a combination of the following
10 configurations:

- 11 (a) Common ~~open-Open space-Space~~;
12 (b) Entirely within the boundaries of a single individual lot; or
13 (c) Across multiple agricultural lots greater than 200 acres in size, designed to minimize impact to
14 conservation resources and allowed as part of an approved special area plan, or across multiple
15 lots in Family Homestead Subdivisions.

16 Sec. 407.17. - Shared parking.

17 The development review committee may authorize a reduction in the number of required parking
18 spaces for a mixed use project or for uses which are located adjacent to one another and which have
19 different peak parking demands and operating hours. In determining whether to approve a reduction for
20 shared parking, the following shall be considered.

- 21 (a) The application for shared parking shall include a description of the use, a development plan, a
22 trip generation report and a parking study. The parking study shall include the characteristics of
23 each use, peak parking demand, hours of operation and potential improvements in access,
24 design, ~~open-space~~ greenspace preservation and circulation.

25 Sec. 407.40. - Applicability.

26
27 (d) In the event that a principal use and some or all of the parking area (required or otherwise) serving
28 the principal use are located on separate parcels, as permitted by this ULDC, ~~the open-space and~~
29 landscape required by this article may be apportioned among all parcels in complementary use as
30 approved by the DRC on the landscape or planting plan.

31 Sec. 407.41. - Landscape and planting plan objectives.

32 Landscape and planting plans shall be designed to achieve the following objectives:

- 33 (a) Continuity of on-site and off-site ~~open-Open space-Space~~ and greenway systems.
34

35 Sec. 407.43. - Required buffers.

36 (b) *Required project boundary buffers.*

- 37 (3) Minimum width and planting specifications for required project boundary buffers are shown in
38 the table below:

1 Table 407.43.2
2 Project Boundary Buffer Minimum Width and Planting

Buffer Type	Minimum Width	Plant Material Per 100 Linear Ft.				Screening
		Canopy Tree	Understory Tree	Evergreen Tree	Shrub	
AG - Agriculture	5 feet	0	0	0	10	No
L - Low	15 feet	2	2	0	0	No
M - Medium	25 feet	3	4	0	40	Yes
H - High	40 feet	5	7	3	60	Yes

3

4 (4) The DRC may reduce the required buffer width by up to 50 percent where it can be shown by
5 the applicant that the reduction is warranted by unique site features or characteristics. This may
6 include, but is not limited to, situations where the buffer area would be located adjacent to a
7 water body or ~~open space~~ Open Space area or if a permanent buffer exists on the adjacent
8 property.

9 (5) The DRC may approve the placement of a buffer at an adequate distance from the parcel
10 boundary when it can be shown that a conflict exists with an existing utility easement or to
11 accommodate unique site features or characteristics provided the character and intent of the
12 buffer is not diminished.

13

14 (b) *Building orientation and design.*

15 (1) *Orientation and location.*

16 a. The front of buildings shall be oriented toward the more primary adjacent street. Where a
17 building is not adjacent to a street, the front of the building shall be oriented toward an
18 ~~open space~~ greenspace or civic space.

19

20 (3) *Building articulation and materials.*

21 a. No more than 25 feet of horizontal distance of a wall shall be provided without articulation
22 or architectural relief for building walls facing a street or ~~open space~~ greenspace, even if the
23 building wall faces a street or ~~open space~~ greenspace outside of the TND or TOD.

24 Sec. 407.43.2. - Landscape design of stormwater management facilities.

25 (a) Stormwater management facilities shall be designed to resemble natural areas in form and function,
26 and shall be consistent with Article IX, Stormwater Management, of this chapter. ~~Stormwater~~

management facilities intended for use towards the required twenty percent pervious open space shall be designed in compliance with the pertinent sections of Article V, Open Space, of this chapter.

ARTICLE V. ~~OPEN SPACE~~

Sec. 407.51. ~~Purpose.~~

This article implements the open space policies contained in the future land use, stormwater and the conservation and open space elements of the Alachua County Comprehensive Plan and provides for open space areas designed to protect and enhance natural resources, promote pedestrian connectivity and enhance recreational opportunities.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 407.52. ~~Minimum open space requirement.~~

Open space shall be provided on at least 20 percent of a development and shall be delineated on all development plans and plats. Within rural clustered subdivisions, as described in section 407.77(b) of this chapter, open space shall be provided on at least 50 percent of a development.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 407.53. ~~Primary open space areas.~~

When land development involves a parcel that contains any of the conservation areas listed in subsection (a), the open space requirements shall first be fulfilled with these areas and the required buffers. When the minimum requirement is not fulfilled with conservation areas, the requirements shall then be fulfilled with natural areas as listed in subsection (b).

(a) ~~Conservation areas and associated buffers.~~

- (1) ~~Wetlands;~~
- (2) ~~Surface waters within private ownership;~~
- (3) ~~100-year floodplains;~~
- (4) ~~Listed species habitat;~~
- (5) ~~Strategic ecosystems; and~~
- (6) ~~Significant geologic features.~~

(b) ~~Natural areas.~~ Significant habitat or other natural features such as steep slopes, ridges, sinkhole areas, or areas that potentially could be utilized to enhance or restore natural features on or adjacent to the development site. This open space shall be useable to the extent consistent with the character and protection of the resource.

(Ord. No. 05-10, § 2, 12-8-05)

Sec. 407.54. ~~Secondary open space areas.~~

After conservation areas and associated buffers and other natural areas have been set aside as open space, any remaining required open space may then be fulfilled with the qualifying areas listed in this Section, based upon the type of development.

(a) ~~Residential developments.~~ Within residential developments, the following areas shall be credited toward open space requirements:

- ~~(1) *Community green spaces.* Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares. Pedestrian amenities and other minor structures that enhance the open space may be permitted within these qualifying open space areas.~~
- ~~(2) *Pedestrian trails.* Paved or mulched pedestrian trails located within a qualifying open space may be counted towards the required open space area.~~
- ~~(3) *Stormwater management areas.* The county may consider stormwater management areas designed consistent with section 407.56 and section 407.57(a) as credit for open space as long as at least one half of the required open space is fulfilled by non-stormwater qualifying open areas.~~
- ~~(b) *Non-residential developments.* Within non-residential developments, the following areas shall be credited toward open space requirements:~~
- ~~(1) *Community green spaces.* Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares. Pedestrian amenities and other minor structures that enhance the open space may be permitted within these qualifying open space areas.~~
- ~~(2) *Landscaped areas.* Landscaped areas with a minimum area of 500 square feet and a minimum width of 20 feet containing native species canopy and understory trees, shrubs, and groundcovers consistent with xeriscape principles.~~
- ~~(3) *Stormwater management areas.* All portions of stormwater management areas that are designed consistent with section 407.56 and section 407.57(a) may be considered as credit for the required open space.~~
- ~~(c) *TNDs, TODs and mixed-use developments.* Within traditional neighborhood developments, transit oriented developments, mixed use development in activity centers, and for redevelopment as defined in section 407.150, the areas listed in (1), below, shall be credited toward the 20 percent open space requirement. Open space areas shall meet the design requirements of (2), below.~~
- ~~(1) *Type of open space areas.*~~
- ~~a. *Civic spaces.* Open areas designed for active or passive recreation that are intended primarily for recreational or pedestrian use, such as community fields, greens, plazas or squares when designed in accordance with subsection 407.54(c)(2). Pedestrian amenities and other minor structures that enhance the open area may be permitted within these qualifying open space areas. The use of semi-pervious materials, such as pavers or porous pavement, is required for those portions of civic spaces requiring hardscaping (walkways, courtyards, etc.).~~
- ~~b. *Landscaped areas.* Landscaped areas containing native species canopy or understory trees, shrubs, or groundcovers consistent with xeriscape principles and that have a minimum area of 40 square feet and a minimum width of five feet. Landscaped areas may be depressed to accommodate stormwater runoff.~~
- ~~c. *Pedestrian trails.* Paved or mulched pedestrian trails up to five feet in width and located within a qualifying open space may be counted towards the required open space area. The use of semi-pervious materials is encouraged within any open space area.~~
- ~~d. *Stormwater management facilities.* All stormwater management facilities utilized to satisfy the 20 percent open space requirement shall be designed to meet the requirements of sections 407.56 and 407.57(a) of this chapter. Within the village center of any TND or TOD all stormwater management facilities shall be designed to~~

1 meet the requirements of sections 407.56 and 407.57(a) and may be counted toward
2 the required 20-percent open space.

3 ~~(2) — Minimum design requirements.~~

4 a. ~~The boundaries of civic spaces shall be clearly delineated during development plan~~
5 ~~review.~~

6 b. ~~A minimum of 20 percent of any civic space shall be planted.~~

7 c. ~~Civic spaces shall be designed to accommodate stormwater from impervious areas~~
8 ~~within their own boundaries.~~

9 d. ~~Hardscaping of civic spaces shall be accomplished by utilizing semi-pervious~~
10 ~~materials such as porous pavement, permeable pavers, gravel or wood.~~

11 e. ~~Civic spaces shall not contain parking or motor vehicle use areas.~~

12 f. ~~The use of Low Impact Development techniques is encouraged within civic spaces.~~

13 ~~(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12; Ord. No. 15-06, § 2(Exh.~~
14 ~~A), 4-14-15; Ord. No. 2017-17, § 2(Exh. A), 10-10-17)~~

15 ~~Sec. 407.55. Designation of open space areas.~~

16 ~~(a) — Prior to submitting a development plan or as part of the pre-application conference, when~~
17 ~~applicable, an applicant shall consult with staff to identify the most appropriate portion of the~~
18 ~~development site to be designated as open space.~~

19 ~~(b) — In addition to the specific standards and priorities set forth in this article, the following goals shall~~
20 ~~guide the designation of open space:~~

21 ~~(1) — Primary open space areas shall be useable and connected to the extent consistent with the~~
22 ~~character and protection of the resource.~~

23 ~~(2) — Primary open spaces should be contiguous to greenways, trails, public parks, or other open~~
24 ~~spaces on adjoining parcels in order to promote the creation of larger open spaces with greater~~
25 ~~usability, resource protection, and connectivity.~~

26 ~~(3) — Open spaces should preserve existing natural features that perform stormwater management~~
27 ~~functions, such as wetlands, riparian vegetation, floodplains, and woodlands, to the greatest~~
28 ~~extent possible, and incorporate low impact development techniques to further minimize,~~
29 ~~convey, pretreat, treat, and reduce the volume of stormwater runoff generated by development.~~

30 ~~(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 12-09, § 2(Exh. A), 10-9-12)~~

31 ~~Sec. 407.56. Requirements for stormwater management areas used as open space.~~

32 ~~Stormwater management systems shall be designed in accordance with Article IX of this chapter and~~
33 ~~must complement and be integrated with other required open space areas. In addition to the design~~
34 ~~requirements of Article IX for stormwater management areas, the following criteria shall apply to be~~
35 ~~consistent as credit toward the open space requirement.~~

36 ~~(a) — All stormwater management areas shall also include the following design features:~~

37 ~~(1) — An initial tier, or forebay, shall be designed to capture the majority of the sediments.~~

38 ~~(2) — A 12 foot wide maintained pedestrian path shall be provided around the perimeter of the~~
39 ~~basin and be connected to pedestrian paths in other qualifying open spaces.~~

- ~~(3) Stormwater facilities designed as open space shall be managed to maintain no more than five percent cover of invasive nonnative plants.~~
- ~~(b) In addition to (a), wet retention/detention basins shall fulfill the following requirements:~~
- ~~(1) Variations in elevations within the treatment volume of the basin. Baffles, islands, berms, channels or other similar measures shall be incorporated to maximize the contact of the stormwater with the surface of the basin. See the Open Space Stormwater Manual for details.~~
- ~~(2) Within the basin, tree islands or other areas above the normal pool elevation shall be planted with an average of 35 trees per acre. Spacing of trees may be closer when trees are planted in groups or clusters. Trees can be from any size category and shall not be placed in the forebay area or within 25 feet of any drainage structure.~~
- ~~(3) A littoral zone shall be designed according to applicable WMD requirements regardless of residence time.~~
- ~~(c) In addition to (a), dry retention/detention basins over shall fulfill the following requirements:~~
- ~~(1) Within the basin, a variety of native trees shall be provided at an average of 50 trees per acre. Spacing of trees may be closer when trees are planted in groups or clusters. Trees can be from any size category and shall not be placed in the forebay area or within 25' of a control structure. Certified apparently weed free sod shall be used.~~
- ~~(2) No clearing, mowing or removal of native, non-invasive vegetation shall take place interior to the pedestrian path, except as required to meet the parameters set forth in the stormwater permit or to maintain inlet and outfall structures. As an alternative, a designed landscape plan may be approved by the Development Review Committee that would provide greater or equal biological diversity and enhanced stormwater treatment.~~
- ~~(3) Certain recreational uses may be incorporated in basins for projects that meet LEED or green building certification (silver rating or higher) requirements (The applicant will need to be able to demonstrate this by final site plan approval).~~
- ~~(d) Stormwater management areas in projects that incorporate Low Impact Development (LID) may receive credit for open space without needing to meet the design criteria outlined in (b) and (c) above. To qualify, a project must demonstrate that the first inch of runoff from the drainage area will provide water quality treatment with a combination of two or more LID techniques. These techniques could include, but not limited to, bioretention (rain gardens), green roofs, cisterns, soil amendments for planting areas, shared driveways, and similar innovative design features.~~
- ~~(e) Pervious LID areas, such as green roofs, rain gardens or other areas larger than 500 sq. ft. may be able to receive credit toward open space.~~
- ~~(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 09-01, § 2(Exh. A), 2-24-09; Ord. No. 12-09, § 2(Exh. A), 10-9-12)~~

~~Sec. 407.57. Access to open space.~~

- ~~(a) Required open space shall be accessible from the development, with the exception of family homestead subdivisions as described in subsection (d) of this section. Access to the open space areas shall be provided in the form of pedestrian paths that connect the open space to the transportation network, the mowed path around stormwater facilities, and open spaces on adjacent developments. These pedestrian paths shall be shown clearly on the development plan, maintained, and marked formally at entrances with explanatory signs describing their function and purpose. When agricultural activities comprise part or all of the open space within a rural/agriculture clustered subdivision, accessibility to these areas is not required.~~

~~(b) For purposes of this section, the following factors shall be considered in determining whether the open space is useable and accessible:~~

~~(1) Areas useable for passive recreation such as walking, picnicking, wildlife viewing and similar activities shall be considered accessible for purposes of this requirement;~~

~~(2) Wet and natural areas that are not directly or easily accessible may be considered to meet the requirements of this section if they can be viewed easily from adjacent land areas that are also part of the stormwater or open space system;~~

~~(3) A periodic lack of public access due to significant rainfall shall not disqualify such areas from counting toward the required open space percentage.~~

~~(c) Basins that require fencing, as defined in section 407.92(c), shall not be counted toward the required open space for a development. For basins that do not require fencing, decorative fencing may be added as an aesthetic feature, provided that it does not preclude access to the open space.~~

~~(d) Required open space within family homestead subdivisions approved in accordance with section 407.75 may be located on individual lots, subject to approval by the development review committee. All other requirements of this article, including but not limited to standards for location, siting, protection and maintenance of open space areas shall still apply.~~

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

~~Sec. 407.58. Protection and maintenance of open space areas.~~

~~(a) All open space areas shall be maintained and remain undeveloped.~~

~~(b) All open space areas shall be defined in detail on the development plan and delineated on plats. It shall be a condition of all development approval that such open spaces shall remain as shown on the development plan or plat, shall remain useable and accessible as required by this article, and shall be maintained accordingly. Any failure to abide by this condition shall be deemed a violation of the development plan or plat.~~

~~(c) All conservation areas including those that contribute towards the required open space shall be identified and protected in accordance with chapter 406 of this ULDC.~~

~~(d) Where deemed necessary to ensure the protection or accessibility of the required open space, the approval of the development may be conditioned on the open space being protected by easements, restrictive covenants, or other legally enforceable instruments that run with the land. All such restrictions shall be recorded in the public records of Alachua County.~~

~~(e) A responsible entity, which may include the owner, a property owner's association, the county, another public agency or a non-profit organization, shall be designated to be responsible for maintaining the open space in a manner that is consistent with all applicable county requirements and the purpose for which it was created.~~

~~(f) Any conditions necessary for stormwater facilities to meet open space requirements shall be incorporated into the stormwater maintenance plan. The responsible entity is required to inform the acting maintenance contractors of these conditions.~~

~~(Ord. No. 05-10, § 2, 12-8-05)~~

~~Sec. 407.59. Alternative compliance.~~

~~(a) The provisions of this article shall be liberally construed to effectively carry out the purpose and the intent of the comprehensive plan and of this article in the interest of the health, safety and welfare of the residents of the county.~~

~~(b) An applicant may submit an open space plan which varies from the strict application of the requirements of this article in order to accommodate unique site features or characteristics, to provide specialized open space amenities, or to take advantage of innovative design. In no event, however, shall there be variation from the requirement to provide a minimum of 20 percent of the development site as open space area.~~

~~(c) An alternative compliance open space plan may be approved only upon a finding that it fulfills the purpose and intent of the comprehensive plan and of this article as well as or more effectively than would adherence to the strict requirements.~~

~~(d) In evaluating proposed alternative compliance plans for open space areas, considerations shall be given to proposals which preserve native vegetation, incorporate low impact development techniques, and use xeriscape and other low water use landscape design principles and where the design ensures preservation of the maximum existing vegetation on the site.~~

ARTICLE V. - OPEN SPACE

Sec. 407.51 - Purpose.

This article implements the Open Space policies contained in the Future Land Use and Conservation and Open Space Elements of the Alachua County Comprehensive Plan and provides for permanently preserved public Open Space areas designed to protect natural resources, provide recreation, and augment the community network of bicycle and pedestrian infrastructure.

Sec. 407.52 - Minimum open space requirement.

At least 10 percent of the area of any development shall be designated as Open Space and delineated on development plans and plats except as provided for in (a) and (b) below. Multiphase developments shall be required to maintain at least 10 percent of the area of all cumulative Final Development Plan phases as designated Open Space, in accordance with the approved Preliminary Development Plan. No provision of this Article shall be interpreted to reduce the protection of Conservation Areas or Significant Habitats as provided for in Chapter 406.

(a) Rural/Agriculture Clustered Subdivisions, as addressed in section 407.77 of this chapter, shall include Open Space on at least 50 percent of a development and shall meet all provisions of that section.

(b) Nonresidential developments, Family Homestead Subdivisions as addressed in Section 407.75, and Rural Agricultural Subdivisions with Unpaved Roads as addressed in Section 407.76 shall not be required to include Open Space beyond the Conservation Management Areas identified in Section 407.54(a). Developments not required to include Open Space shall still provide pedestrian and bicycle connections between designated greenways.

Sec. 407.53 - Open Space Identification Process.

Prior to the submittal of a Preliminary Development Plan or Planned Development Rezoning, an applicant shall consult with staff to identify the most appropriate portion of the development to be designated as Open Space.

Sec. 407.54 - Open Space Areas.

(a) When land development involves a parcel that contains Conservation Management Areas, the Open Space requirement shall first be fulfilled with these areas, which shall be protected in accordance with Chapter 406, Article XVII.

(b) After the requirements of (a), above, have been met, the Open Space shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent Open Space, except as specified in Section 407.55. Open Space designated per this section shall have a minimum width of 50 feet and shall be located within the development in a location that best meets the following goals:

1. Augments Conservation Management Areas or Open Space on adjoining parcels
2. Promotes connectivity to greenways, trails, public parks, and existing or potential Open Space on adjoining parcels.

Sec. 407.55 – Exceptions to Open Space Areas.

The following criteria may be considered for deviation from the requirements of Section 407.54(b):

- (a) Open Space can be designated in more than one location where proposed residential units within a development would be located further than one-half mile from a single designated Open Space location as measured in a straight line.
- (b) There are no adjacent undeveloped lands or designated Open Space areas and Open Space is more appropriately located internal to the site.
- (c) There is an opportunity for the Open Space to link to a designated greenway.
- (d) Open Space in Cottage Neighborhoods shall be provided per Section 407.155.
- (e) Mixed Use TND/TODs approved per Chapter 407 Article VII may have Open Space(s) in multiple locations so long as the minimum width of any individual space is not less than 25 feet and that all designated Open Space conforms with the uses in Section 407.56.
- (f) Notwithstanding the requirements in Section 407.54(b), Developments with a valid Preliminary Development Plan or Planned Development that identifies Open Space and was approved prior to February 11, 2020 may provide Open Space consistent with the approved Preliminary Development Plan or Planned Development.

Sec. 407.56 - Open Space Uses

- (a) Open Space shall either be left in a natural condition or provide accessible spaces such as community gardens, community fields, greens or pocket parks.
- (b) Open Space shall be primarily pervious except for limited impervious surfaces associated with bicycle/pedestrian paths and unconditioned structures that augment the Open Space such as gazebos and picnic pavilions. Impervious surfaces associated with hardscaped Civic Space are an allowable Open Space use within a TND or TOD approved per Article VII of this Chapter.
- (c) Open Space shall not include stormwater retention or detention areas constructed per Article IX of this Chapter. The integration of Low Impact Design (LID) best management practices to manage stormwater runoff shall not eliminate an otherwise qualifying Open Space within a TND or TOD approved per Article VII of this Chapter.
- (d) Open Space shall not include spoil piles or berms.

1 **Sec. 407.57 - Access to Open Space.**

2 Required Open Space shall be accessible from the development. Access to Open Space areas shall be
3 provided in the form of Americans with Disabilities Act compliant hard surfaced paths that connect the
4 Open Space to the transportation network and Open Spaces, parks and bicycle and pedestrian facilities
5 on adjacent properties. Impassable fences or obstacles bifurcating Open Space from adjacent Open
6 Space or greenspace is not allowed. These paths shall be shown clearly on the development plan,
7 maintained, and marked. The level and type of access to a Conservation Management Area will be
8 determined by the adopted Conservation Management Plan.

9 **Sec. 407.58 - Protection and maintenance of open space areas.**

10 (a) All Open Space shall be maintained and remain in a condition consistent with uses in Section
11 407.56 and accessibility requirements of Section 407.57. An Open Space management plan
12 shall be approved with any Final Development Plan that includes Open Space. It shall be a
13 condition of all development approval that such Open Spaces shall remain as shown on the
14 development plan or plat, shall remain accessible as required by this article, and shall be
15 maintained according to the approved management plan. Any failure to abide by this condition
16 shall be deemed a violation of the development plan or plat.

17 (b) All Conservation Management Areas including those that contribute towards the required Open
18 Space shall be identified and protected in accordance with Chapter 406 of this ULDC.

19 (c) A responsible entity, which may include the owner, a property owner's association, the County,
20 another public agency or a non-profit organization, shall be designated to be responsible for
21 maintaining the Open Space in a manner that is consistent with all applicable County
22 requirements and the purpose for which it was created.

23 **Sec. 407.59 - Alternative compliance.**

24 (a) The provisions of this article shall be liberally construed to effectively carry out the purpose and
25 the intent of the comprehensive plan and of this article in the interest of the health, safety and
26 welfare of the residents of the County.

27 (b) An applicant may submit an Open Space plan which varies from the strict application of the
28 requirements of this Article in order to accommodate unique site features or characteristics or to
29 take advantage of innovative design. In no event, however, shall there be variation from the
30 requirement to provide a minimum of 10 percent of the development site as Open Space area.

31 (c) An alternative compliance Open Space plan may be approved only upon a finding that it fulfills
32 the purpose and intent of the Comprehensive Plan and of this Article as well as or more
33 effectively than would adherence to the strict requirements.

34
35 **Sec. 407.63. - Development concepts.**

36 (a) *Central point.* Each TND or TOD shall have a defined central point. The central point should be
37 located in a plaza, square, or ~~open~~ Open spaceSpace, or be denoted by an architecturally significant
38 feature. Measurements of the size of village centers and transit supportive areas shall be measured
39 from the central point.

(d) *Common areas.* Each TND or TOD shall be designed to provide common areas in the form of plazas, squares, parks, or other open areas. ~~Pervious portions of common areas may be used to satisfy the requirements of Chapter 407 Article V, Open Space.~~ Common areas shall be dispersed throughout the development and shall be designed to a scale appropriate for the surrounding development. The integration of low impact development techniques to manage stormwater runoff shall be encouraged within common areas ~~areas~~.

(e) *Transportation network.* The transportation network shall be designed to provide circulation for transit vehicles, automobiles, bicycles, and pedestrians. The transportation network shall provide for multiple points of ingress and egress from developments, provide for connection to adjacent developments, and allow for multiple route choices between locations.

Sec. 407.70. - Open space and landscaping.

(a) *Open space.* Open space shall be provided ~~on at least 20 percent of any TND or TOD and shall be delineated on all development plans and plats. Required open space shall first be satisfied with any primary open space areas as defined in section 407.53 of this chapter, and then in accordance with subsection 407.54(c).~~ consistent with Article V of this Chapter.

(b) *Landscaping.*

(5) *Landscape design of stormwater management facilities.* All surface stormwater management facilities located within the village center area of TNDs and TODs shall be designed to meet the criteria of Chapter 407, ~~Article V, Open Space, and Article IX, Stormwater Management Facilities.~~ Landscaping shall be provided consistent with section 407.43.2 of this chapter.

Sec. 407.74. - Subdivision design process and development plan requirements.

(b) The design process for all subdivisions should occur in the following sequence: identify ~~open-Open space~~ Space, identify permitted uses and developable area, locate streets and locate individual lots and improvements. It is recognized that the subdivision design process is dependent upon the interplay of such factors as open spaces to be preserved, areas that can be developed for residential purposes, roads to serve the residences and a careful location of lot lines to preserve natural features and resources.

Sec. 407.77. - Rural/agriculture clustered subdivision.

Clustering of rural residential development is encouraged 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.

(b) *Open ~~space~~ Space requirements.* A minimum of 50 percent ~~open-Open space~~ Space shall be provided in all rural/agriculture clustered subdivisions. Open ~~space~~ Space areas shall be established consistent with article 5V, Open Space, of this chapter.

(1) *Uses.*

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

i. Natural resource conservation areas;

ii. Non-intensive agriculture, as defined in Chapter 410;

iii. Common open space;

iv. Resource-based recreation uses which maintain the undeveloped area in a natural state;

v. Up to one-half of the required open space area may include stormwater facilities ~~that are designed consistent with Article V, Open Space, of this Chapter;~~

- vi. Common water supply systems and common septic system drainfields consistent with Article XI, Water and Wastewater Service, of this chapter;
 - vii. 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 subdivision include the more intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens.

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

- a. All ~~open-Open space-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.
- b. All ~~open-Open space-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-Open space-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-Open space-Space~~ areas.* Ownership and maintenance of ~~open-Open space-Space~~ shall be by one or a combination of the following:

- a. Original landowner at the time of plat recording;
- b. Homeowners association;
- c. Established land trust;
- d. Non-profit conservation organization;
- e. Alachua County, with county approval;
- f. Other public agency (e.g. water management district).

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 subdivision shall include an ~~open-Open space-Space~~ management plan. The management plan shall establish management objectives, outline procedures, and define the roles and responsibilities for managing the ~~open-Open space-Space~~. Management shall include wildfire mitigation.

Sec. 407.78. - Rural/agriculture clustered subdivision design process.

In addition to the design process described in section 407.74, the following steps shall be taken in the design of a rural/agriculture clustered subdivision.

- (a) *Identify developable area and locate lots.* The following standards shall apply to all developable areas within clustered subdivisions.

(1) The developable area shall be located outside the designated ~~open-Open space-Space~~ area.

- (2) 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.
- (3) Developable area and lot locations shall be identified in accordance with Table 407.78.1.
- (4) 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:
- Centralizing the developed area in the interior of the property, if consistent with the protection of ~~open~~ Open space ~~Space~~;
 - Use of extensive setbacks from the perimeter of the subdivision to any developed area;
 - Use of roadway alignments that minimize visibility;
 - Use of buffering, including the planting of additional trees and vegetation;
 - Use of fences and walls constructed using materials, colors and styles consistent with the character and context of the area in which located; and
 - 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 subdivision shall provide a buffer as indicated in chapter 406 of this ULDC.
- (c) *Location of roads.* Within a rural/agriculture clustered subdivision, the location and construction of roads shall be dependent upon the location of designated ~~open~~ Open space ~~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.
- (d) *Protection of agricultural activities.*
- Buffering required.*
 - When located adjacent to agricultural activities that exist either on an adjacent property or within all or part of the ~~Open space~~ Open space ~~Space~~ area of the rural/agriculture clustered subdivision, buffering shall be provided. The width and type of buffer, is to be determined on an individual basis for each rural/agriculture clustered 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:
 - The location, type and scale of agricultural activities;
 - The location of the developed area in relation to the agricultural activities.
 - The absence of trees and understory vegetation in the proposed buffer area to provide an opaque screen of agricultural activities on abutting properties;
 - The absence of topographic features in the proposed buffer area to provide an opaque screen of agricultural activities on abutting properties; or
 - The presence of other significant structures used for large scale commercial or industrial activities permitted by the comprehensive plan or this ULDC.
 - Where a rural/agriculture clustered subdivision is adjacent to intensive agricultural uses 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~~ Open space ~~Space~~ in such a subdivision may be fenced. The fencing, if any, shall be in addition to the required buffers.

- (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 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 <u>Space</u> , min.	50%	Measured from gross site area
<i>Lot Dimensions:</i>		
Area, min. (standard lot)	1 acre	When dwelling served by individual well or septic tank
Area, min. (small lot)	0.5 Acre	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
Width at front building line, min	75 ft	None
Lot depth, min	100 ft	None

<i>Setback Dimensions, Principal and Accessory Structures:</i>			
Front, min.	Principal	25 ft	Same for Accessory Structures
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
<i>Building Standards:</i>			
Height, max. at eaves		35 ft	None
Building coverage, max.		25%	<ul style="list-style-type: none"> • Includes all areas under a permanent roof, including garages, porches, patios, etc. • Does not include pools, pool decks, recreational facilities such as tennis or basketball courts
Impervious coverage, max.		40%	<ul style="list-style-type: none"> • Includes all building coverage and recreational amenities including pools and courts • Includes all paved parking and driveway areas

- (1) *Reduction of property development regulations.* As part of a final development plan approval, the development review committee 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:
- Allow preservation of heritage, champion or desirable mature trees;
 - Preserve or enhance existing natural drainage features;
 - Enhance one or more features associated with ~~open~~-Open spaceSpace; or
 - Allow maximum use of and minimum alteration to topographical features;
 - 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 development review committee shall not grant a variance to reduce any property development regulation established by this section.

(h) *Density incentives for rural/agriculture clustered 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 <u>Open space-Space</u>
1 additional unit	Per 10 acres of conservation area permanently protected as open-Open <u>space-Space</u>
1 additional unit	Per 20 acres of permanent non-conservation area permanently protected as open-Open space-Space

Note: 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.

(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-Open space-Space~~ area; and
- (3) Shall not be included within the calculation of maximum gross density for the subdivision.

Sec. 407.79. - Traditional neighborhood and transit oriented development standards.

Traditional neighborhood and transit oriented developments shall be developed in accordance with the street, ~~open space~~ and design standards contained in Article VII. Where the subdivision standards of this article would result in a different standard of design, the standards in Article VII shall prevail for TND or TOD development.

Sec. 407.92. - Relationship to project design.

(a) *General.* Stormwater areas shall be designed in the context of the site design for the entire subdivision or other development. Careful consideration shall be given to the layout of basins and stormwater management areas to optimize treatment, aesthetics, and groupings of trees. Basins and stormwater management systems shall be designed to blend into public greenspaces ~~open spaces~~ and shall resemble natural areas to the greatest extent possible. ~~The following design standards and principles shall apply to stormwater management areas:~~

~~(1) All stormwater areas shall be designed in accordance with the standards and principles set forth in subsection (b) below;~~

~~(2) Certain stormwater areas must be fenced; such stormwater areas shall not be credited toward required open space requirements and shall be designed in accordance with this article;~~

~~(3) Stormwater areas that are to be credited toward the required open space requirement for the subdivision or other development shall be designed in accordance with detailed standards for the design of such areas provided in article V, Open Space, of this chapter.~~

(b) *General design criteria.*

~~(5) For all other stormwater management areas that do not include basins, a vegetated buffer at least 25 feet wide shall be included in the design if the area is to be considered a common open space. Buffers shall include one shade tree for every 35 linear feet, or part thereof, of project perimeter or length. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Native vegetation shall be used.~~

(65) Drainage easements provided for swales that convey stormwater runoff between two privately owned lots shall be designed and be of sufficient width to adequately convey runoff to the stormwater master basin. Stormwater conveyance swales must be located entirely within these easements.

Sec. 407.142. - Minimum design and construction standards for pedestrian networks.

The purpose of this section is to identify pedestrian access design and construction standards.

(a) *Pedestrian network standards.*

(5) The following elements do not qualify as pedestrian facilities and may not form a side of a block: Recreational or ~~open~~ Open space ~~Space~~ without a designated pedestrian or multi-use path, alleys greater than 500 feet in length and trails, sidewalks and boardwalks that dead-end.

Sec. 407.152. - Purpose.

Cottage neighborhoods are intended to:

(a) Provide opportunities for creative, diverse and high quality infill development within the urban cluster.

(b) Promote a variety of housing types and sizes available within the community to meet the needs of a population diverse in age, income, and household composition.

(c) Provide for more efficient use of land.

(d) Encourage the creation of more usable ~~open~~ Open space ~~Space~~ for residents of the development.

(e) Maximize resident and pedestrian oriented outdoor spaces while minimizing the impact of automobile traffic and parking.

Sec. 407.154. - General requirements.

(k) *Open ~~space~~ Space.* ~~Open space~~ Space shall be provided per Article V, Open Space, of this chapter.

(l) *Stormwater.* Stormwater management provision shall be consistent with Article IX, Stormwater Management of this chapter.

(k) *Maintenance of ~~open-Open space~~Space, common areas and utilities.* The applicant shall ensure that joint use and maintenance of public ~~open-Open space~~Space, community facilities, private roads and drives, and all other commonly owned and operated property is guaranteed through a maintenance plan, covenants, deeds and/or homeowners' association by-laws.

Sec. 407.155. - Design.

(a) *Common green.* Each cottage neighborhood shall have a common green. The common green may be counted toward the ~~20 percent open-Open Sspace~~ required consistent with section 407.5452, ~~Secondary open spaces, of this chapter.~~ The common green shall be designed to meet the following:

(1) The common green shall include at least 400 square feet per unit.

(2) The common green shall be centrally located within the development.

(3) The common green may include stormwater management facilities incorporating low impact development designs ~~or facilities that are designed to meet the open space requirements found in section 407.56 of this chapter~~ as long as a minimum of 400 square feet per dwelling unit is usable by the residents for active or passive recreation.

(4) Amenities such as community gardens, benches, and pavilions are allowed in the common green.

(d) *Pedestrian access.* A system of interior walkways shall be provided to connect all homes with each other, the parking areas, the ~~open-Open space~~Space and any sidewalks along the public street(s) bordering the Cottage Neighborhood. Interior walkways shall meet applicable ADA accessibility requirements.

Sec. 407.83. - Plat document requirements.

(c) All plats shall include the following:

(7) The location of natural ~~open-Open space~~Space and conservation management areas and conservation easements.

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.

(h) *Street design specifications.* The following table identifies the required specifications for all streets in the county.

Table 407.141.1 Street Design Specifications

Type of Street ¹	Design Speed (mph)	Travel Lane Width (feet) ²	Access Type	Street Trees ³	Curb and Gutter	Sidewalks (ft.)	Multiuse Path (ft.) ⁴	Median (ft.) ⁵	Bike Lanes/Shoulders (ft)	On Street Parking (ft.) ⁶	Minimum Right-of-Way (ft.)
Local - 2 Lane											
Under 250 (Rural/AG Only)	25	Cartway 18	Direct	Yes	No	5 (Optional)	(6) One Side	No	No	No	50
Under 250 (Urban Cluster)	25	Cartway 18	Direct	Yes	Optional	5 (Optional)	8 (One Side)	No	No	7 (Optional One Side)	55
250 to 1,200	25	Cartway 20	Direct	Yes	Optional	5 (Optional)	8 (One Side)	No	No	7 (Optional Both Sides)	60
1,200 to 2,500	25	10	Limited	Yes	Optional	5 (One Side)	8 (One side)	10 (Optional)	2	7 (Optional Both Sides)	65
2,500 to 7,500	30	11	Limited	Yes	Optional	6 (One Side)	8 (One Side)	12	5	8 (Optional with Bulbouts)	85
7,500 to 15,000	30	11	Limited	Yes	Optional	NA	8 (Both Sides)	16	6	8 (Optional)	90

Local - 4 Lane											
15,000 to 30,000	35	11	Limited	Yes	Optional	NA	8 (Both Sides)	22	5	8 (Optional)	115
Collector - 2 Lane											
Under 20,000 - Urban	40	11	Limited	Yes	Required	6 (One Side)	8 (One Side)	12 to 16 (Optional)	5	8 (Optional)	90
Under 20,000 - Rural	55	12	Limited	Yes	No	6 (One Side)	8 (One Side)	12 to 16 (Optional)	6	7 (Optional)	100
Collector - 4 Lane											
20,000 to 40,000 - Urban	45	11	Limited	Yes	Required	6 (one side)	8 (one Side)	22	5	7 (optional)	115
20,000 to 40,000 - Rural	60	12	Limited	Yes	No	6 (one side)	8 (one Side)	22	6	7 (optional)	120

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2 ⁴ Multi-use paths shall be constructed parallel to and up to 300 feet from the roadway in an ~~open~~
3 Open space-Space or common area and shall conform to the standards in section 407.140.

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5 ARTICLE III. - DEFINED TERMS

6

~~Community green space: Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares.~~

~~Common open space: See Open space, common~~

Greenspace: Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares.

Greenway: A corridor of protected ~~open space~~greenspace that is managed for conservation, and recreation purposes. Greenways follow natural land or water features, road rights of way or abandoned railroad corridors or canals, and link natural reserves, parks, cultural and historic sites; often through multiuse paths.

Open space~~Space~~: Any natural, recreational, or common open areas, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

~~Open space, common: All open space, natural areas, and recreational areas which are within the part of a development designed and intended to be used in common by the owners, residents, or tenants of the development.~~

~~Open space, usable: Walkable outdoor area designed or used for public access, outdoor living, recreation or pedestrian access.~~