



# Request to Advertise

## Amendments to Unified Land Development Code Subdivision Regulations for Rural Residential Developments

Board of County Commissioners  
April 27, 2021

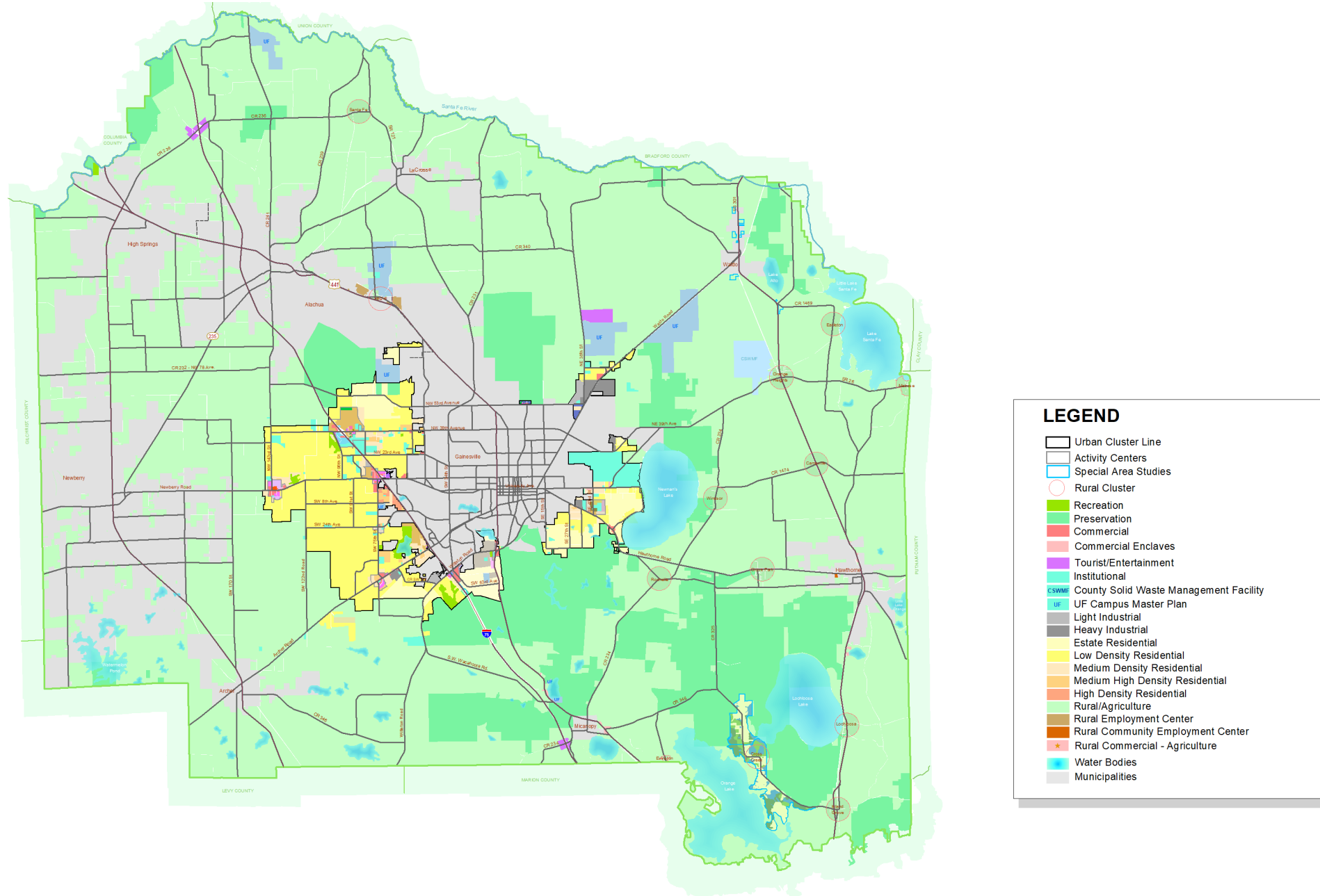
## Background and Purpose

- Unified Land Development Code (ULDC) amendments needed to implement Comprehensive Plan Amendments (CPA-04-20), which changed policies for:
  - (1) Requirements for clustered rural residential subdivisions, and
  - (2) Exceptions to internal road paving requirements for rural residential subdivisions.
- Key changes per CPA-04-20:
  - Lowered threshold for requiring clustering from 25 lots to 10 lots;
  - Increased incentive for inclusion of agricultural uses in the open space from 1 unit per 20 acres to 1 unit per 10 acres; clarified uses permitted in the open space.
  - Increased maximum number of lots from 6 to 9 in rural residential subdivisions allowed to have internal unpaved private easement roads.

# Presentation Outline

- Overview of Rural and Agricultural Objectives and Policies in Comprehensive Plan
- Review of recently adopted Amendments to Policies in CPA-04-20 and draft amendments to ULDC to implement the amendments to the Comprehensive Plan

# Future Land Use Map 2040 – Alachua County, Florida



# Rural and Agricultural Objectives and Policies in County Comprehensive Plan

Uses in areas identified as Rural/Agricultural on Future Land Use Map:

- Agricultural activities and related uses
- ***Rural residential at max density of 1 dwelling unit/5 acres (with certain exceptions)***
- Other rural uses

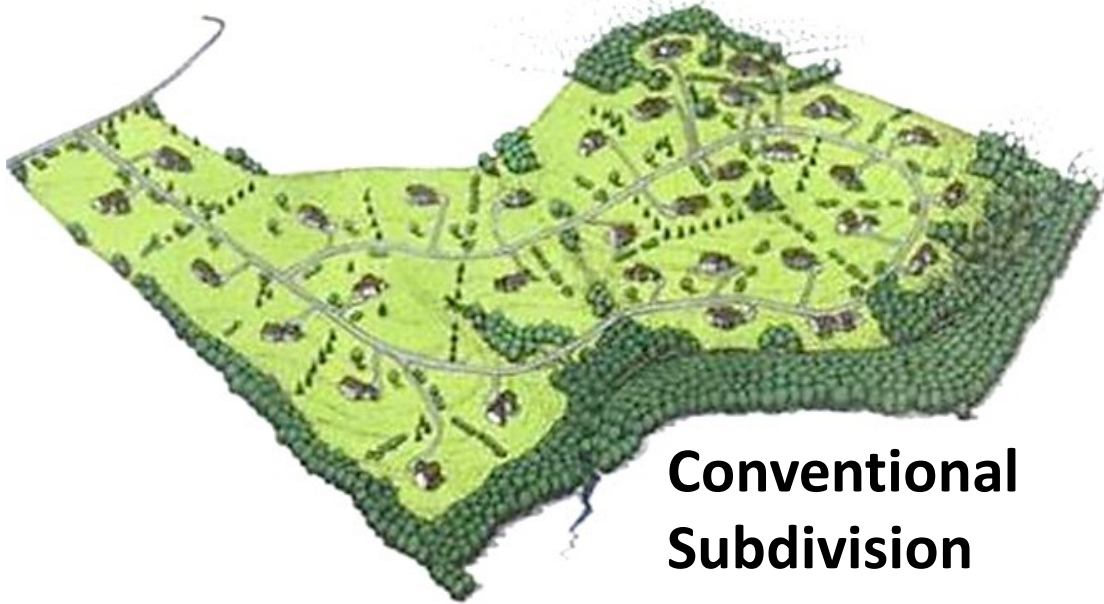
Encourage continuation of productive agricultural uses through integrated strategies.

Protect Rural and Agricultural areas consistent with:

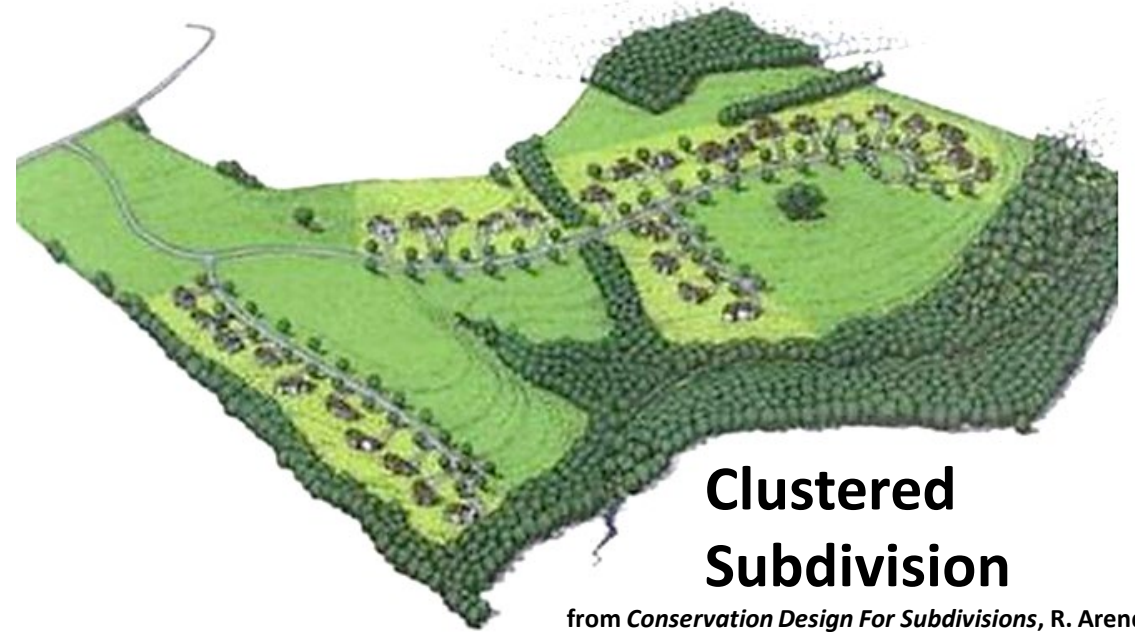
- Retention of agriculture, open space, rural character
- Preservation of environmentally sensitive areas
- Efficient use of public facilities and services

# Clustered Rural Residential Subdivisions

Strategy for ensuring compatibility between residential and agricultural uses while protecting key natural resources such as strategic ecosystems.



**Conventional  
Subdivision**



**Clustered  
Subdivision**

*from Conservation Design For Subdivisions, R. Arendt*

Benefits include protection of natural resources, preservation of agricultural areas, opportunities for local food production, reduced costs for infrastructure and maintenance.



# **Clustered Rural Residential Subdivisions**

## **Summary of Key Policy Components in Comprehensive Plan**

- **Preferred design for new rural residential subdivisions**
- **Required for 10 or more units**
- **Incentives for Rural Residential Subdivisions to be clustered**
  - 2 additional units
  - 1 additional unit for every 10 acres conservation area or agriculture area
  - 1 additional unit for every 20 acres non-conservation area
- **Minimum 50% open space in accordance with design principles**
- **Permitted uses – natural resource conservation areas, non-intensive agriculture, non-intensive silviculture as detailed in Policy 6.2.12(c)**

# Clustered Rural Residential Subdivisions

## Key Open Space Design Components in Comprehensive Plan

- Minimum 50% open space in accordance with design principles consistent with Conservation and Open Space Element Policies for protection of natural resources
- Protect natural, historic paleontological resources and agricultural areas according to site specific inventory
- Conservation areas shall receive top priority . . . and may only be impacted according to Conservation and Open Space Element policies
- Agricultural areas with viable soils and effective land masses shall be evaluated for inclusion . . . after resource protection criteria are met
- Historic and paleontological resources shall be included . . . in accordance with the Historic Preservation Element



# Clustered Rural Residential Subdivisions

## Key Design Concepts and Process in Draft Revisions to ULDC

### *407.77(b) Lists and clarifies key design concepts*

- (1) **Clustering** – Buildings and structures are grouped together on a portion of the site and remaining land is saved for open space.*
- (2) **Design Sequence** – Specific sequence of steps that prioritizes open space and ensures development components achieve a fit with the land.*
- (3) **Open Space** – Cohesive and permanently protected area, based on inventory and analysis of natural site characteristics, that acts as overall organizing element of the development.*
- (4) **Developed Area** – Located outside the Open Space and concentrated on least sensitive portion of site.*

*407.77(c) **Design Process** – Identify Open Space giving priority to conservation areas, identify Developed Area, locate streets, individual lots, and improvements.*

# Summary of Adopted Policy Amendments (CPA 04-20) and *Corresponding Draft Revisions to ULDC Sections*

- 1) Lowering threshold for requiring clustering from 25 to 10 lots, clarifying uses in open space, and clarifying management plans and implementation.

*407.73(b) Lowers threshold (“subdivisions... containing 10 or more lots shall be designed as a clustered rural residential”)*

*407.77(b)&(c) Clarifies key design concepts and processes*

*407.77(d)(1)-(4) Open Space requirements, uses, protection, ownership, management plan*

*Chapter 410 Definitions – Community gardens, natural forest management, regenerative agriculture*

## Summary of Adopted Policy Amendments (CPA 04-20) and *Corresponding Draft Revisions to ULDC Sections*

- 2) Increasing incentive for inclusion of agricultural uses in the open space to further the local foods initiative.

*407.77(h) “Density incentives for clustered rural residential subdivisions . . . in accordance with Table 407.78.2 . . . 1 additional unit per 10 acres of conservation area or agriculture area, per 407.77(d)(1)a.1.&2. and (4), permanently protected as Open Space”*

# Summary of Adopted Policy Amendments (CPA 04-20) and *Corresponding Draft Revisions to ULDC Sections*

- 3) Increase maximum units from 6 to 9 lots for allowing internal unpaved private easement roads in rural residential subdivisions.

*407.76 & 407.76(b) Raises maximum number of lots*

*407.76(c) Standards for internal roads to access public roadways*

*407.76(d) Direct access from lots to public roads:*

- 1. Where required to avoid impacts to natural resources*
- 2. For subdivisions of 3 lots or less with frontage on a public road*
- 3. Total connections to public roads per subdivision including internal roads and driveways limited to two*

# **Aspects of Comprehensive Plan Amendments relating to Clustered Subdivision Open Space**

**The following slides address other details of  
Comprehensive Plan Policies relating to  
clustered rural residential subdivisions and**

***Corresponding Draft Revisions to ULDC Sections***

## Permitted Uses in Open Space - Non-intensive Agriculture

**Policy 6.2.12(c)** 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 . . .

**ULDC Section 407.77(b)(d)** “A minimum of 50% Open Space shall be provided . . .

**(1) a.** Permitted uses in the open space area may include:

1. Natural resource conservation areas;
2. Non-intensive agriculture . . . in the form of community gardens or small-scale farms that provide direct use food production for residents of the development or direct sales through means such as community-supported agriculture (CSA), local farmers markets, restaurants, or other means that contribute to the local food economy of Alachua County”



# Permitted Uses in Open Space - Non-intensive Silviculture

**Policy 6.2.12(c)** Permitted uses in the open space area are . . . non-intensive silviculture consistent with (3) below . . .

**(3)** Intensive silviculture uses of planted monoculture “plantation” forests with intensive management regimes that include practices adverse to the natural resource values and functions of a natural forest system shall not be allowed . . . Only natural forest management in accordance with open space management plan consistent with 6.2.12(e)(3) may be considered.

**ULDC 407.77(d)** Open Space requirements. A minimum of 50% Open Space shall be provided . . .

**(1) a.** “Permitted uses in the open space area may include:

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

[Other uses listed include 4. open space as defined in Ch. 410; 5. resource-based recreation uses; may include horses and associated pastures and trails for personal recreation; 6. Up to one-half of Open Space may include i. stormwater, ii. common water supply and septic systems, iii. common renewable energy systems.]

## Permitted Uses in Open Space – Homestead Deleted

**CPA-04-20 deleted the following:**

### **Policy 6.2.12(c)(1)**

~~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.~~

**ULDC 407.77(d)(1)a. This has also been deleted in the draft revisions to ULDC.**

# Definitions Adopted in CPA-04-20 and *added to Draft Revisions to ULDC Chapter 410*

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

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

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

# Open Space – Ownership, Maintenance, and Transition

**Policy 6.2.12(e)(1)** Ownership and maintenance of open space . . . by one or a combination of the following:

- a. Original landowner **with provision for transition of ultimate ownership 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)

**ULDC 407.77(d)(3)a.-f. lists these possible entities for ownership and maintenance.**

- **Adds agricultural organization in (d).**
- **Includes existing Code provision that if Open Space is not properly maintained, County may assume maintenance responsibility and charge property owner or HOA a fee which covers maintenance and administrative costs.**

# Open Space Management Plan – Objectives and Transition

**Policy 6.2.12(e)(3) Management plan. Land Development Regulations shall be updated for . . .**

**. . . 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 F.S. 720.307 . . .**

# Open Space Management Plan – Objectives and Transition

ULDC Section 407.77(d)(4) *Management plan. A final development plan for a rural/agriculture clustered rural residential subdivision shall include an Open Space management plan.*

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

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



## Open Space Management Plan – Standards for Agriculture and Silviculture

**Policy 6.2.12(e)(3) 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. . . recommended practices . . . from sources such as UF-IFAS . . . , and principles of regenerative agriculture, shall be considered to the extent they are consistent with Comprehensive Plan policies including natural resource protection. . . Management shall include wildfire mitigation.**

***ULDC Section 407.77(d)(4)b. Provides standards for protection of natural and water resource values where agriculture and silviculture operations are proposed:***

## Open Space Management Plan – Standards for Agriculture and Silviculture

- 1. Not occur within natural resource conservation areas*
- 2. Promote water conservation, nutrient management, and alternative methods for weed and pest control.*
- 3. Apply Natural Forest Management practices.*
- 4. Certified Naturally Grown or organic standards and principles of regenerative agriculture; sources such as UF-IFAS recommended practices*

## Open Space Management Plan – Standards for Agriculture and Silviculture

ULDC Section 407.77(d)(4)c. addresses wildfire mitigation specifying that “Existing silviculture operations shall be managed to minimize fire risk and must transition to natural forest management”.

In addition, ULDC Section 407.77(d)(4)d. adds language specifying “Open Space shall remain usable and accessible to the residents of the subdivision. . . according to standards in Chapter 407, Article 5” (Open Space Code).

# Question, Comments, and Board Discussion

# Staff Recommendation

Authorize advertisement of a public hearing by the County Commission on adoption of amendments to the Unified Land Development Code.