

Alachua County, FL

12 SE 1st Street
Gainesville, Florida



Meeting Agenda - Final **Policy Discussion**

Tuesday, October 1, 2019
1:30 PM

Grace Knight Conference Room

Special Meeting

12 SE 1st Street ■ Gainesville, Florida 32601 ■ Tel. (352) 264-6900 ■ Fax (352) 338-7363 ■ TDD call 711 Relay
Commissioners' E-Mail: bocc@alachuacounty.us ■ Home Page: www.alachuacounty.us
An Equal Opportunity Employer M.F.V.D

Approval of Agenda**Items for Discussion**

19-0418 Open Space Unified Land Development Code Board Workshop

Fiscal Consideration: NA

Recommended Action: Hear the presentation and offer direction on the policy components of the ULDC Open Space revisions.

[Open Space Presentation](#)

[Clean Open Space Edits.pdf](#)

[Underline-Strikethrough Open Space Edits](#)

[EA Transmitted Comp Plan Open Space Language](#)

[Engagement Survey Open Space.pdf](#)

19-0476 4:00 PM - Recess the Special Meeting in order to hold a closed-to-the-public attorney-client litigation session.

Fiscal Consideration: N/A

Recommended Action: Commence the meeting immediately.

Closing Comments

19-0477 Public Comment

Fiscal Consideration: N/A

Recommended Action: Hear public comment.

19-0415 Commission Comments

Fiscal Consideration: N/A

Recommended Action: Present comments and hear reports.

Adjourn



Agenda Item Summary

Agenda Date: 10/1/2019

Agenda Item No.:

Agenda Item Name:

Open Space Unified Land Development Code Board Workshop

Presenter:

Jeffrey Hays, AICP 352-374-5249 x6971

Description:

A workshop for the Board to review proposed Open Space standards revisions for new development in the Unified Land Development Code (ULDC).

Recommended Action:

Hear the presentation and offer direction on the policy components of the ULDC Open Space revisions.

Prior Board Motions:

NA

Fiscal Consideration:

NA

Background:

The Board recently transmitted the Evaluation and Appraisal based Comprehensive Plan Amendments to the State Department of Economic Opportunity for review. An element of those amendments are revisions to the County's Open Space requirements for new development. Although, there will be numerous ULDC revisions necessary once the Comprehensive Plan is adopted, it is especially critical to update the Open Space requirements in the ULDC in the near term so that there is no incompatibility in the Open Space standards between adopted Comprehensive Plan and ULDC.



Draft Unified Land Development Code Changes: Open Space

October 1, 2019

**Alachua County Board of County
Commissioners**

Growth Management
Environmental Protection



Purpose of code changes

- To be consistent with and implement the proposed policies in the Alachua County Comprehensive Plan 2019-2040
- Clearly define the purpose and requirements of open space as it applies to new development
 - Proposed changes are not intended to reduce conservation resource protections
 - Remove stormwater from open space and define non-conservation open space as it applies to developments



Unified Land Development Code (ULDC) Changes

- Majority of edits are in Chapter 407 (Article 5, Open Space)
- Minor edits to:
 - Chapter 403 (Zoning),
 - Sec. 405.07 (TND/TOD),
 - Sec. 406.03 (PD-TDR)
 - Sec. 407.43.2 (landscaping in stormwater),
 - Sec. 407.70 (TND/TOD landscaping in stormwater),
 - Sec. 407.77 (Rural/Ag clustered subdivisions),
 - Sec. 407.92 (stormwater), and
 - Sec. 407.155 (Cottage Neighborhoods)

Updated Purpose of Open Space

- Section 407.51 - ...to permanently preserve public space within developments that protects natural resources, provides recreation, and augments the community network of bicycle and pedestrian infrastructure.



Requirements of Open Space

- Section 407.52 - All developments must have at least 10% open space, with few exceptions listed in 407.56.
- Section 407.53 - All developments must protect conservation areas and significant habitat (first) and meet the requirements specified in Chapter 406.
- Section 407.54 - Any remaining open space shall consist of non-conservation open space, unless project is exempt in 407.56.

Non-Conservation Open Space (Sec. 407.54 ULDC)

- Shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, public parks, or community networks of bicycle and pedestrian infrastructure, and located to best meet the following goals:
 - Augment required conservation and habitat areas
 - Provide accessible open space in the form of community gardens, community fields, greens and pocket parks.
 - Promote greater accessibility, resource protection, and connectivity by being contiguous or linked through multi-use paths to greenways, trails, public parks, and Open Space on adjoining parcels.
- There are some exceptions to the open space location (listed in Sec. 407.55)

Exceptions to Standard Open Space Location Requirements

- Based on the size and shape of the development, additional open space locations may be warranted (lots are further than ½ mile from a single designated open space area).
- There are no adjacent undeveloped lands or designated open space areas and, based on site conditions, open space is more appropriately located internal to the site.
- There is an opportunity for the open space to link to a designated greenway.
- Cottage Neighborhoods per Section 407.155.
- Applicant may submit an alternative compliance open space plan to the Board, but still must meet the minimum 10% (Sec. 407.59).



Projects Not Requiring Non-Conservation Open Space (407.56)

- Non-residential Developments;
- Family Homestead Subdivisions (Section 407.75);
- Rural Agriculture Subdivisions with Unpaved Roads, (Section 407.76); and
- Communications towers, major utilities, and outdoor recreation.



Hypothetical Example:



**Hypothetical Site
(40 acres with
no conservation resources
on site)**



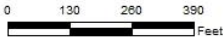
DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.

Hypothetical Example:



Hypothetical Site
(40 acres with
no conservation resources
on site)

Where should the
open space be
located?



DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.



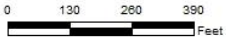
Hypothetical Example:



Hypothetical Site
(40 acres with
no conservation resources
on site)

Where should the
open space be
located?

More than one correct
answer



DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.

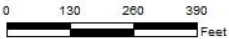


Hypothetical Example:



**Hypothetical Site
(40 acres with
no conservation resources
on site)**

**Where should the
open space be
located?**



DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.

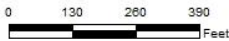


Hypothetical Example:



EXAMPLE A
Hypothetical Site
(40 acres with
no conservation resources
on site)

50' wide strip around
boundary augmenting
wetland and connecting
conservation areas
to greenway



DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.

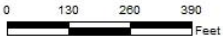


Hypothetical Example:



EXAMPLE B
Hypothetical Site
(40 acres with
no conservation resources
on site)

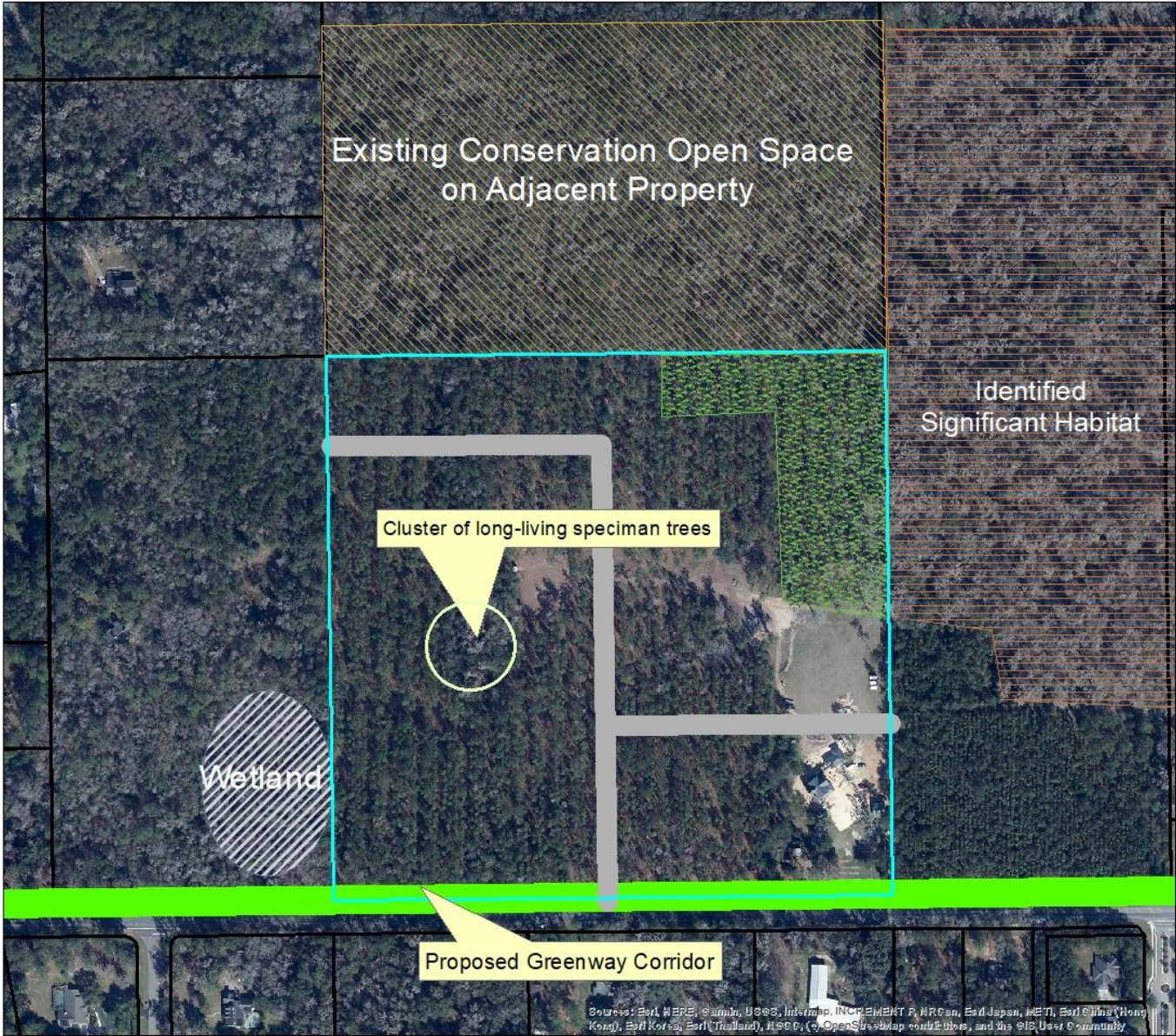
Wide strip along west
boundary augmenting
wetland and connecting
conservation area &
trees to greenway



DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.

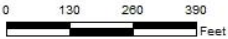


Hypothetical Example:



EXAMPLE C
Hypothetical Site
(40 acres with
no conservation resources
on site)

All located in NE corner
augmenting offsite
conservation areas



DISCLAIMER: This map and the spatial data it contains are made available as a public service, to be used for reference purposes only. The Alachua County Environmental Protection Department provides this information AS IS without warranty of any kind, implied or expressed, regarding accuracy, completeness, or fitness of use. The quality of the data is dependent on the various sources from which each data layer is obtained.

Direction requested

- **Open Space in TND/TODs (Currently can utilize 100% stormwater)**
- **Dimensional requirements for Open Space**



Clean copy of Open Space related edits in ULDC – Sept. 11, 2019 Draft

Sec. 403.02. - Establishment of zoning districts.

...

(b) Usable pervious open space shall be provided on at least **10** percent of a development site **consistent with Chapter 407, Article V, Open Space**. 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 Standards for landscaping design practices and criteria for the required 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 recreation ~~open space~~, such as community fields, greens, plazas, squares or outdoor sports facilities.

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

...

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

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 or as an aesthetic feature to resemble natural areas with native landscaping, consistent with **Article IV, Landscaping and** Article IX, Stormwater Management, of [Chapter 407](#) of this ULDC.
- (4) The use of shared stormwater facilities to accommodate multiple developments within the activity center is encouraged.

...

(g) *Open space.*

- (1) Open space shall be provided **for** an activity center site in accordance with **Chapter 407, Article V, Open Space**, of this ULDC. The required open 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 space shall be accessible from all areas of the activity center.

405.07(h)(3) *[Language related to Civic space was deleted]*.

...

~~(3)~~ *Removed*

Sec. 406.03. - Use of sound environmental practices.

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

- (1)...(h) A minimum of 50 percent of the combined acreage of the sending and receiving parcels shall be permanently set aside as open space on the sending parcel. Additionally, at least **10** percent of the receiving parcel shall **meet** open space requirements on the PD master plan consistent with **Chapter 407, Article V, Open Space**.

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

- (a) Stormwater management facilities shall be designed to resemble natural areas in form and function, and shall be consistent with Article IX, Stormwater Management, of this chapter.
- (b) Stormwater management areas shall be landscaped with native species of trees, shrubs, and perennials appropriate to the function as a wet or dry basin.
- (c) The basin and the landscaping area shall be designed to:
 - (1) Be an integral part of the overall development as a physical or visual amenity that provides:
 - a. Usable public or civic space; or
 - b. An aesthetic focal point or feature, such as a pond, creek or other water feature, utilizing curvilinear shapes and a diversity of appropriate plant species.
 - (2) Preserve existing tree groupings.
 - (3) Include canopy trees spaced no more than an average of every 35 linear feet around the basin perimeter.
 - (4) Maintain at least 25 percent of the area of the basin, including the shoulders and maintenance area, using native landscape plantings, excluding sod.
 - (5) Be integrated with the landscape or planting plan for the site.
 - (6) Identify areas for access for normal and routine basin maintenance. Landscape plantings shall not reduce the width of the required maintenance access.

ARTICLE V OPEN SPACE

Sec. 407.51. - Purpose

This article implements the open space policies contained in the **F**uture **L**and **U**se and **C**onservation and **O**pen **S**pace **E**lements of the Alachua County Comprehensive Plan and provides for open space areas

designed to **permanently preserve public open space within developments that** protects natural resources, **provides recreation, and augments the community network of bicycle and pedestrian infrastructure.**

Sec. 407.52. Minimum Open Space Requirement

Open space shall be provided on at least **10** percent of every development, **except as specified in Section 407.56,** 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. Open space requirements are not intended to diminish other conservation requirements in Chapter 406. **Prior to Preliminary Development Plan submittal, an applicant shall consult with staff to identify the most appropriate portion of the development site to be designated as open space.**

Sec. 407.53. Conservation Open Space

When land development involves a parcel that contains any of the conservation areas **or significant habitat** listed **below,** the open space requirements shall first be fulfilled with these areas and the required buffers:

- (a) *Conservation areas **consist of:***
 - (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) **Significant habitats described in Article 3, Chapter 406**

Sec. 407.54. Non-Conservation Open Space

After conservation areas and associated buffers have been set aside as open space, any remaining required open space **shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, public parks, or community networks of bicycle and pedestrian infrastructure, except as specified in Section 407.55. The Open Space shall be located to best meet the following goals:**

- (a) **Augment required conservation and habitat areas**
- (b) **Provide accessible open space in the form of community gardens, community fields, greens and pocket parks.**
- (c) **Promote greater accessibility, resource protection, and connectivity by being contiguous or linked through multiuse paths to greenways, trails, public parks, and Open Space on adjoining parcels.**

Sec. 407.55. Exceptions to Open Space Location

Projects may deviate from the requirement of one contiguous non-conservation open space location at the periphery of the development subject to the limited exceptions below:

- (a) **Depending on the size and shape of the development, additional open space locations may be warranted where proposed residential lots within the subdivision are located further than one-half mile from a single designated open space location.**

- (b) There are no adjacent undeveloped lands or designated open space areas and, based on site conditions, 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) Cottage Neighborhoods per Section 407.155.
- (e) Projects not meeting the specifications above may submit an alternative compliance request as part of a Preliminary Development Plan per Section 407.59.

Sec. 407.56. Projects Not Requiring Non-Conservation Open Space

The following types of development are not required to provide Open Space beyond the protection of conservation areas, as identified in Section 407.53. However, pedestrian and/or bicycle connections between designated greenways shall still be required, when applicable:

- (a) Nonresidential developments;
- (b) Family Homestead Subdivisions, as in Section 407.75;
- (c) Rural Agriculture Subdivisions with Unpaved Roads, as in Section 407.76; and
- (d) Communications towers, major utilities, and outdoor recreation.

Sec. 407.57. Access to Open Space

- (a) Required open space shall be accessible and marked formally at the entrances with explanatory signs describing its function and purpose. Access to open space shall be provided in the form of pedestrian and/or bicycle paths that connect the open space to the transportation network, any mowed path around stormwater facilities, and open spaces parks and community networks of bicycle and pedestrian infrastructure on adjacent properties. These paths shall be shown clearly on the development plan, maintained, and formally marked. 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 open space system;

Sec. 407.58. - Protection and Maintenance of Open Space

- (a) All open space areas shall be managed according to the approved Open Space Management Plan and remain undeveloped.
- (b) 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 **the approved management plan** and the purpose for which it was created, **and all applicable county requirements**.

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 **alternative compliance** open space plan **to the Alachua County Board of County Commissioners** 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 **10** percent of the development site as open space.
- (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, use **resilient** landscape design principles, and where the design ensures preservation of the maximum existing vegetation on the site.

Sec. 407.63. - Development Concepts

- ... (d) *Common areas.* Each TND or TOD shall be designed to provide at least five percent developed common area such as plazas, squares, parks or greens. These common areas shall be dispersed throughout the development and shall be designed at a scale appropriate for the surrounding development. Common areas shall be in addition to any Open Space required in Article V, Open Space and shall not include stormwater management facilities.

Sec. 407.70. - Open Space and Landscaping

- (a) *Open space.* Open Space shall be provided on at least **10** percent of any TND or TOD consistent with Article V, Open Space.
- (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 IX, Stormwater Management Facilities. Landscaping shall be provided consistent with [section 407.43.2](#) of this chapter.

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.

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

subdivision development plans shall be in accordance with [chapter 402](#), [chapter 406](#), and [section 407.74](#).

- (b) *Open space requirements.* A minimum of 50 percent open space shall be provided in all rural/agriculture clustered subdivisions. Open space areas shall be established consistent with [article 5](#), 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. Common water supply systems and common septic system drainfields consistent with Article XI, Water and Wastewater Service, of this chapter;
- vi. Common renewable energy systems;
- vii. 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. ...

[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 open spaces and shall resemble natural areas to the greatest extent possible.

(b) *General design criteria.*

(1) An area equivalent to at least 25 percent of the area of the entire basin, including the shoulders and maintenance area, shall be landscaped using native vegetation, excluding sod. In addition, a minimum of one shade tree shall be planted for every 35 linear feet, or part thereof, of basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Certified apparently weed free sod shall be used.

(2) Retention/detention basins shall be of irregular shape and shall have no parallel sides, unless approved by the county engineer, in which case additional landscaping and barriers may be required.

(3) When possible, the inflow and outflow locations of basins must be located on opposite ends of the basin to provide for optimal treatment. Flow paths and mixing within basins shall be maximized. For wet-detention systems, the length to width ratio shall be 2:1, which may be accomplished through the use of a diversion structure.

(4) Erosive velocities shall be reduced through the use of adequate controls.

(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.

(6) 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.

(c) Fenced basins.

(1) The following basin design conditions will require fencing:

a. Basins with a depth greater than four feet, as measured from the basin bottom to the control elevation, with slopes steeper than 6H:1V.

b. Basins without a controlled outfall, if the design high-water elevation for the design storm is greater than four feet and the side slopes are steeper than 6H:1V, except where the side slopes are shallower than 6H:1V to a depth that is at least four-foot lower than the design high-water elevation.

c. Wet detention basins with a normal pool depth six feet or greater, except where the side slopes are shallower than 6H:1V to a depth that is at least four-foot lower than the permanent-pool elevation.

d. All fences must be a minimum height of four feet and have a 14-foot-wide gate that allows easy access for maintenance equipment.

(2) Basins that require a fence and are to be dedicated to the county for maintenance will require a minimum 12-foot maintenance and vegetative strip between the fence and the basin. The landscaped area should be no less than nine feet wide at its most narrow point. Maintenance strips shall have a maximum slope of 8H:1V.

(3) Fencing will be aesthetically pleasing and meet all safety requirements as put forth by the Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System. If chain-link fencing is used, an additional area five-foot wide area outside the fence shall be landscaped with at least three shade trees, two understory trees, eight large shrubs, and thirteen small shrubs for every 100 feet or part thereof of fencing. A minimum of 50 percent of the vegetation shall be native and only certified apparently weed-free sod shall be used.

(4) The following basin design conditions do not require fencing:

a. Basins with a depth less than or equal to four feet, as measured from the basin bottom to the control elevation.

b. Basins designed to be "dry" with side slopes no steeper than 6H:1V, regardless of basin depth.

c. Wet detention basins with a maximum pool depth less than six feet and side slopes no steeper than 6H:1V to a depth of four feet below the control elevation. From this elevation to the basin bottom a maximum side slope of 2H:1V is permissible.

Sec. 407.155. Design (Cottage Neighborhood)

▪ **Common Green**

Each Cottage Neighborhood shall have a Common Green. The Common Green may be counted toward the Open Space required consistent with Section 407.54, **Non-Conservation** Open Space. 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 designs or facilities 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 greens, benches, and pavilions are allowed in the common green.

PROPOSED CHANGES TO OPEN SPACE in ULDC – Sept. 9, 2019 Draft

(with strikethrough and underline shown)

Sec. 403.02. - Establishment of zoning districts.

...

(b) Usable pervious open space shall be provided on at least ~~20~~ 10 percent of a development site **consistent with Chapter 407, Article V, Open Space**. 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. 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 recreation ~~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, or may be dedicated to the public if it meets requirements for use as a public facility.~~

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

...

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

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.

- (4) The use of shared stormwater facilities to accommodate multiple developments within the activity center is encouraged.

...

(g) *Open space.*

- (1) Open space, ~~landscape, and buffer areas~~ shall be provided ~~on at least 20 percent of~~ **for** an activity center site in accordance with **Chapter 407**, Article V, Open Space, of this ULDC. The required open 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 space shall be accessible from all areas of the activity center.

(h) *Civic space.*

...

- ~~(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.~~

Sec. 406.03. - Use of sound environmental practices.

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

- (1)...(h) A minimum of 50 percent of the combined acreage of the sending and receiving parcels shall be permanently set aside as open space on the sending parcel. Additionally, at least ~~20~~**10** percent of the receiving parcel shall ~~be designated as~~ **meet** open space requirements on the PD master plan consistent with ~~COSE Policy 5.2.21~~ **Chapter 407, Article V, Open Space**.

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

- (a) Stormwater management facilities shall be designed to resemble natural areas in form and function, 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.~~
- (b) Stormwater management areas shall be landscaped with native species of trees, shrubs, and perennials appropriate to the function as a wet or dry basin.
- (c) The basin and the landscaping area shall be designed to:
 - (1) Be an integral part of the overall development as a physical or visual amenity that provides:
 - a. Usable public or civic space; or
 - b. An aesthetic focal point or feature, such as a pond, creek or other water feature, utilizing curvilinear shapes and a diversity of appropriate plant species.
 - (2) Preserve existing tree groupings.
 - (3) Include canopy trees spaced no more than an average of every 35 linear feet around the basin perimeter.
 - (4) Maintain at least 25 percent of the area of the basin, including the shoulders and maintenance area, using native landscape plantings, excluding sod.
 - (5) Be integrated with the landscape or planting plan for the site.

- (6) Identify areas for access for normal and routine basin maintenance. Landscape plantings shall not reduce the width of the required maintenance access.

ARTICLE V OPEN SPACE

Sec. 407.51. - Purpose

This article implements the open space policies contained in the ~~F~~future ~~L~~and ~~U~~se and ~~C~~onservation and ~~O~~pen ~~S~~pace ~~E~~lements of the Alachua County Comprehensive Plan and provides for open space areas designed to **permanently preserve public open space within developments that protects and enhance natural resources, provides recreation, and augments the community network of bicycle and pedestrian infrastructure promote pedestrian connectivity and enhance recreational opportunities.**

Sec. 407.52. - Minimum Open Space Requirement

Open space shall be provided on at least ~~20~~ **10** percent of every development, **except as specified in Section 407.56,** 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. **Prior to the Preliminary Development Plan submittal, an applicant shall consult with staff to identify the most appropriate portion of the development site to be designated as open space.**

Sec. 407.53. - ~~Primary~~ Conservation Open Space

When land development involves a parcel that contains any of the conservation areas **or significant habitat** listed ~~below 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 **consist of:***

- (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 habitats described in Article 3, Chapter 406, 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.**

Sec. 407.54. - ~~Secondary~~ Non-Conservation Open Space

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.~~ **shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, public parks, or community networks of bicycle and pedestrian infrastructure, except as specified in Section 407.55. The Open Space shall be located to best meet the following goals:**

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

- (a) **Augment required conservation and habitat areas** ~~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.
 - (b) **Provide accessible open space in the form of community gardens, community fields, greens and pocket parks.** ~~Pedestrian trails.~~ Paved or mulched pedestrian trails located within a qualifying open space may be counted towards the required open space area.
 - (c) **Promote greater accessibility, resource protection, and connectivity by being contiguous or linked through multiuse paths to greenways, trails, public parks, and Open Space on adjoining parcels** ~~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 meet the requirements of sections 407.56 and 407.57(a) and may be counted toward the required 20 percent open space.~~

~~(2) Minimum design requirements.~~

- ~~a. The boundaries of civic spaces shall be clearly delineated during development plan review.~~
- ~~b. A minimum of 20 percent of any civic space shall be planted.~~
- ~~c. Civic spaces shall be designed to accommodate stormwater from impervious areas within their own boundaries.~~
- ~~d. Hardscaping of civic spaces shall be accomplished by utilizing semi-pervious materials such as porous pavement, permeable pavers, gravel or wood.~~
- ~~e. Civic spaces shall not contain parking or motor vehicle use areas.~~
- ~~f. The use of Low Impact Development techniques is encouraged within civic spaces.~~

Sec. 407.55. – Exceptions to Open Space Location

Projects may deviate from the requirement of one contiguous non-conservation open space location at the periphery of the development subject to the limited exceptions below:

- (a) Depending on the size and shape of the development, additional open space locations may be warranted where proposed residential lots within the subdivision are located further than one-half mile from a single designated open space location.**
- (b) There are no adjacent undeveloped lands or designated open space areas and, based on site conditions, 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) Cottage Neighborhoods per Section 407.155.**
- (e) Projects not meeting the specifications above may submit an alternative compliance request as part of a Preliminary Development Plan per Section 407.59.**

Sec. 407.55 Designation of open space areas.

~~As part of the pre-application conference an applicant shall consult with staff to identify the most appropriate portion of the development site to be designated as open space.~~

- ~~(a) In addition to the specific standards and priorities set forth in this article, the following goals shall guide the designation of open space:~~
- ~~(1) Primary open space areas shall be useable and connected to the extent consistent with the character and protection of the resource.~~
- ~~(2) Primary open spaces should be contiguous to greenways, trails, public parks, or other open spaces on adjoining parcels in order to promote the creation of larger open spaces with greater usability, resource protection, and connectivity.~~
- ~~(3) Open spaces should preserve existing natural features that perform stormwater management functions, such as wetlands, riparian vegetation, floodplains, and woodlands, to the greatest extent possible, and incorporate low impact development techniques to further minimize, convey, pretreat, treat, and reduce the volume of stormwater runoff generated by development.~~

Sec. 407.56. – Projects Not Requiring Non-Conservation Open Space

The following types of development are not required to provide Open Space beyond the protection of conservation areas, as identified in Section 407.53. However, pedestrian and/or bicycle connections between designated greenways shall still be required, when applicable:

- (a) Nonresidential developments;**
- (b) Family Homestead Subdivisions, as in Section 407.75;**
- (c) Rural Agriculture Subdivisions with Unpaved Roads as in Section 407.76; and**
- (d) Communications towers, major utilities, and outdoor recreation.**

Requirements for stormwater management areas used as open space.

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

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

- ~~(1) An initial tier, or forebay, shall be designed to capture the majority of the sediments.~~
- ~~(2) A 12-foot wide maintained pedestrian path shall be provided around the perimeter of the 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.~~

Sec. 407.57. - Access to Open Space.

- (a) Required open space shall be accessible **and marked formally at the entrances with explanatory signs describing its function and purpose** ~~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 **and/or bicycle** paths that connect the open space to the transportation network, ~~the~~ **any** mowed path around stormwater facilities, and open spaces **parks and community networks of bicycle and pedestrian infrastructure** on adjacent ~~developments~~ **properties**. 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.~~

Sec. 407.58. - Protection and Maintenance of Open Space

- (a) All open space areas shall be ~~maintained~~ **managed according to the approved Open Space Management Plan** 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 **the approved management plan** ~~all applicable county requirements~~ and the purpose for which it was created, **and all applicable county requirements**.
- (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.~~

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 **alternative compliance** open space plan **to the Alachua County Board of County Commissioners** 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~~ **10** 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~~ **resilient** landscape design principles and where the design ensures preservation of the maximum existing vegetation on the site.

Sec. 407.63. - Development Concepts

- ... (d) *Common areas*. Each TND or TOD shall be designed to provide at least five percent developed common area such as plazas, squares, parks or greens. These common areas shall be dispersed throughout the development and shall be designed at a scale appropriate for the surrounding development. Common areas shall be in addition to any Open Space required in Article V, Open Space and shall not include stormwater management facilities.

Sec. 407.70. - Open Space and Landscaping

- (a) *Open space*. Open Space shall be provided on at least ~~20~~ **10** percent of any TND or TOD consistent with Article V, Open Space.
- (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. 407.77. - 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.

- (a) *Establishment.* All rural/agriculture clustered subdivisions shall comply with the requirements of this section. The submission requirements and review procedure for rural/agriculture clustered subdivision development plans shall be in accordance with [chapter 402](#), [chapter 406](#), and [section 407.74](#).
- (b) *Open space requirements.* A minimum of 50 percent open space shall be provided in all rural/agriculture clustered subdivisions. Open space areas shall be established consistent with [article 5](#), Open Space, of this chapter.
- (4) *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. ...

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 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.

- (1) An area equivalent to at least 25 percent of the area of the entire basin, including the shoulders and maintenance area, shall be landscaped using native vegetation, excluding sod. In addition, a minimum of one shade tree shall be planted for every 35 linear feet, or part thereof, of basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect. Certified apparently weed free sod shall be used.
- (2) Retention/detention basins shall be of irregular shape and shall have no parallel sides, unless approved by the county engineer, in which case additional landscaping and barriers may be required.
- (3) When possible, the inflow and outflow locations of basins must be located on opposite ends of the basin to provide for optimal treatment. Flow paths and mixing within basins shall be maximized. For wet-detention systems, the length to width ratio shall be 2:1, which may be accomplished through the use of a diversion structure.
- (4) Erosive velocities shall be reduced through the use of adequate controls.
- (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.
- (6) 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.

(c) Fenced basins.

- (1) The following basin design conditions will require fencing:
 - a. Basins with a depth greater than four feet, as measured from the basin bottom to the control elevation, with slopes steeper than 6H:1V.
 - b. Basins without a controlled outfall, if the design high-water elevation for the design storm is greater than four feet and the side slopes are steeper than 6H:1V, except where the side slopes are shallower than 6H:1V to a depth that is at least four-foot lower than the design high-water elevation.
 - c. Wet detention basins with a normal pool depth six feet or greater, except where the side slopes are shallower than 6H:1V to a depth that is at least four-foot lower than the permanent-pool elevation.
 - d. All fences must be a minimum height of four feet and have a 14-foot-wide gate that allows easy access for maintenance equipment.
- (2) Basins that require a fence and are to be dedicated to the county for maintenance will require a minimum 12-foot maintenance and vegetative strip between the fence and the basin. The landscaped area should be no less than nine feet wide at its most narrow point. Maintenance strips shall have a maximum slope of 8H:1V.
- (3) Fencing will be aesthetically pleasing and meet all safety requirements as put forth by the Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System. If chain-link fencing is used, an additional area five-foot wide area outside the fence shall be landscaped with at least three shade trees, two understory trees, eight large shrubs, and thirteen small shrubs for every 100 feet or part thereof of fencing. A minimum of 50 percent of the vegetation shall be native and only certified apparently weed-free sod shall be used.
- (4) The following basin design conditions do not require fencing:
 - a. Basins with a depth less than or equal to four feet, as measured from the basin bottom to the control elevation.
 - b. Basins designed to be "dry" with side slopes no steeper than 6H:1V, regardless of basin depth.
 - c. Wet detention basins with a maximum pool depth less than six feet and side slopes no steeper than 6H:1V to a depth of four feet below the control elevation. From this elevation to the basin bottom a maximum side slope of 2H:1V is permissible.

Sec. 407.155. Design (*Cottage Neighborhood*)

(a) Common Green

Each Cottage Neighborhood shall have a Common Green. The Common Green may be counted toward the ~~20%~~ Open Space required consistent with Section 407.54, ~~Secondary~~ **Non-Conservation** Open Space, ~~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 the 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 greens, benches, and pavilions are allow in the common green.

CONSERVATION AND OPEN SPACE ELEMENT

- (d) Mitigation should ~~shall~~ be permitted only within the boundaries of Alachua County and, to the maximum extent practicable, within the local watershed in which the impact occurs.
- ~~(e) Alachua County shall prioritize receiving areas for mitigation within the county, and investigate the feasibility of implementing a local mitigation banking system.~~
- (~~e~~f) Wetland mitigation activity conducted by a public agency may not be utilized for wetland mitigation credit by private entities ~~persons~~ unless approved by Alachua County.
- (~~f~~g) The landowner shall post a performance bond or similar financial guarantee to assure implementation of the mitigation and monitoring plan.
- (~~g~~h) No mitigation credits will be given for onsite preservation of wetlands, unless such proposals can demonstrate implementation and sustainability of adequate and appropriate enhancement and/or restoration of habitat.
- (h) Designated wetland and buffer mitigation areas related to development shall be permanently protected in perpetuity using a legal instrument that runs with the land, in a form acceptable to the County, and duly recorded in the Public Records of Alachua County, which assures preservation and maintenance of the associated areas. The preferred legal instrument shall be a conservation easement (Section 407.06, F.S.), however depending on conditions, may also include other dedication options such as deed restrictions.

Reason: Updated language is consistent with State law and provides clarity to policy and procedures for how projects that are proposing surface water, wetland, or associated buffer impacts are handled by the County.

...

OBJECTIVE 5.2 - OPEN SPACE

~~Preserve open space within developments to ensure public health, safety, and welfare; protect and enhance natural resources; provide public gathering spaces; promote pedestrian and bicycle connectivity; and enhance recreational opportunities~~ To permanently preserve public Open Space within developments within Alachua County that protects natural resources, provides recreation, and augments the community network of bicycle and pedestrian infrastructure.

~~**Policy 5.2.1**—Natural features such as steep slopes, ridges, sinkhole areas, floodplains, and other unsuitable areas for urban development shall be retained as open space areas. If appropriate, these areas shall be developed for use as trails, and where possible, used to connect other recreation and open space areas and other developments.~~

CONSERVATION AND OPEN SPACE ELEMENT

Policy 5.2.21 ~~Pervious~~ ~~Open~~ ~~Space~~ shall be provided on at least 20% ten percent of the every development site, except as specified in Policy 5.2.5. ~~through a variety of features such as:~~

- ~~(a) Open spaces dedicated primarily to public, recreation, or pedestrian use, such as community gardens, community fields, greens, plazas, and squares.~~
- ~~(b) Natural areas of non-invasive trees and plants.~~
- ~~(c) Landscaped areas, including street trees, utilizing a variety and balanced mix of canopy and understory trees, shrubs, and groundcovers, consistent with xeriscape principles and emphasizing native species.~~
- ~~(d) Linkages to larger open space corridors.~~
- ~~(e) Portions of stormwater management areas that meet conservation, recreation, or open space design criteria as specified in the Land Development Code.~~
- ~~(f) Portions of green roofs that meet open space design criteria to be specified in the Land Development Code.~~

Policy 5.2.32 ~~When land development involves a parcel that contains conservation areas, the County's open space requirements shall be fulfilled first with conservation areas, then with other allowable types of open space. Open space requirements are~~ is not intended to diminish other conservation requirements in this Element. The open space requirement in Policy 5.2.1 shall be fulfilled first with any of the conservation areas listed in Policy 3.1.1, if such exist on the site. All Conservation Areas within Open Space shall be maintained and remain undeveloped in perpetuity using a legal instrument that runs with the land and sets forth conditions and restrictions on use. The ULDC shall provide alternative options for protection of conservation resources based on quality, size, connectivity, and any other specified criteria. The Boundaries of all Open Space shall be clearly delineated on plans, including record plats, and marked in the field to distinguish Open Space from developed areas.

Policy 5.2.4 ~~Development shall provide for shading of paved areas, as outlined in the land development regulations.~~

Policy 5.2.3 After the requirements of 5.2.2 have been met, additional Open Space shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent open space, with limited exceptions as defined in the land development code. The Open Space shall be located to best meet the following goals:

- (a) Augment required conservation areas

CONSERVATION AND OPEN SPACE ELEMENT

- (b) Provide accessible open space in the form of community gardens, community fields, greens, and pocket parks
- (c) Promote greater accessibility, resource protection, and connectivity by being contiguous or linked through multiuse paths to greenways, trails, public parks, and Open Space on adjoining parcels.

Policy 5.2.54 ~~Open space in clustered rural residential subdivisions and Planned Developments with Transfers of Development Rights (PD-TDR) the rural area shall be preserved in accordance with policies under Objective 6.2 of the Future Land Use Element.~~

Policy 5.2.6 ~~Nonresidential and mixed use developments, including TOD or TND, may reduce the amount of open space maintained onsite by participating in the County's Transfer of Development Rights Program and purchasing development rights in accordance with Section 9.0 of the Future Land Use Element. The purchase of development rights shall be recorded on the Final Development Plan in the manner provided in the Land Development Regulations Land Development Regulations.~~

Policy 5.2.7 ~~Within Transit Oriented Developments, Traditional Neighborhood Developments, and mixed use development within Activity Centers, a portion of public plazas or squares which combine natural areas with permeable paved surfaces may be counted toward the required amount of open space to be maintained onsite, provided that the open space requirements of this section are fulfilled first with conservation areas in accordance with Policy 5.2.3. Design standards for plazas and squares which may qualify as open space shall be provided in the Land Development Code, and shall include: (1) minimum and maximum size thresholds and dimensions; (2) maximum area which may be applied toward the open space requirement based on development size; (3) allowance for the use of permeable paved surfaces; and (4) standards for general public accessibility and functional integration with surrounding development.~~

Policy 5.2.5 After meeting the requirements of Policy 5.2.2, the following types of development are not required to provide additional Open Space:

- (a) Nonresidential Development
- (b) Family Homestead Subdivisions
- (c) Rural Agriculture Unpaved Subdivisions
- (d) Towers, major utilities, and outdoor recreation

Developments not required to provide additional open space shall still provide pedestrian and bicycle connections between designated greenways when applicable.

...

Engagement Survey

1. In regard to this item being submitted to the agenda, has County staff engaged with the stakeholders in a way that allowed input/ feedback to be shared?

Yes, please fill out the remainder of this form

No, please explain why: _____
(If no, there is no need to continue filling out this form)

2. Please provide the following information for each method of engagement used by County staff. *(Please write N/A for any items that are not applicable)*

ENGAGEMENT ACTIVITY	QUANTITY	DATE(S)	LOCATION(S)	WAS COMMUNITY INPUT RECORDED
HOSTED BY COUNTY	_____	_____	_____	_____
HOSTED WITH STAKEHOLDERS	_____	_____	_____	_____
SURVEYS	_____	_____	_____	_____
INTERVIEWS	_____	_____	_____	_____
FOCUS GROUPS	_____	_____	_____	_____
OTHER	_____	_____	_____	_____

3. Please indicate what communication/ outreach was used to inform the public about your engagement activities. *(Select all that apply)*

Email
 Letter from Mayor/Commission
 Mailers
 Phone calls
 Print media (flyers, posters)
 Social Media
 Website
 Other: _____

4. How has stakeholder input/ feedback been incorporated into the recommendations being presented to the County Commission?

The feedback was analyzed for patterns in priorities, questions, and goals mentioned by community members and has been compiled into the report and presentation to be offered to the Commission.



Agenda Item Summary

Agenda Date: 10/1/2019

Agenda Item No.:

Agenda Item Name:

4:00 PM - Hold a closed-to-the-public attorney-client litigation session.

Presenter:

Sylvia Torres, (352) 374-5218

Description:

A Shade Meeting will be held in accordance with Section 286.011(8) of the Florida Statutes, concerning litigation in the case styled Alachua County v. Sadie Darnell, in her official capacity as Sheriff of Alachua County, Florida, Florida 1st District Court of Appeal case #1D18-3367.

Recommended Action:

Commence the meeting immediately.

Prior Board Motions:

September 24, 2019

The Board approved the County Attorney's request to hold an attorney-client litigation strategy session at 4 PM on Tuesday, October 1, 2019.

Fiscal Consideration:

N/A

Background:

This meeting and the attorney-client litigation strategy session have been publicly noticed as required by law.

In order to hold an attorney-client litigation strategy session, the following steps are required by the statute:

1. The Chair will announce the estimated length of the session and the names of the persons who will be attending the session. The persons attending will be:

Commissioner Charles S. Chestnut, IV, Chair

Commissioner Robert Hutchinson, Vice Chair

Commissioner Mike Byerly

Commissioner Ken Cornell

Commissioner Marihelen Wheeler

Michele Lieberman, County Manager

Sylvia Torres, County Attorney

Bob Swain, Senior Assistant County Attorney

Certified Court Reporter

2. The County Attorney will explain the purpose and the procedure for the closed-to-the-public

42

session. The Chair will recess the Special Meeting, if the Special Meeting is still continuing at 4pm, and the named participants will move to the County Attorney's Conference Room to commence the session.

3. The Chair will recess the Special Meeting, and the participants will move to the County Attorney's Conference Room to commence the session.

4. At the conclusion of the session, the participants will return to the Grace Knight conference room (with the exception of the court reporter). The Chair will reopen the Meeting and announce the termination of the session.

5. If the Special Meeting needs to continue, the chair will announce the resumption of the Special Meeting.



Agenda Item Summary

Agenda Date: 10/1/2019

Agenda Item No.:

Agenda Item Name:

Public Comment

Presenter:

Click or tap here to enter text.

Description:

Click or tap here to enter text.

Recommended Action:

Hear public comment.

Prior Board Motions:

Click or tap here to enter text.

Fiscal Consideration:

N/A

Background:

Click or tap here to enter text.



Agenda Item Summary

Agenda Date: 10/1/2019

Agenda Item No.:

Agenda Item Name:

Commission Comments

Presenter:

Click or tap here to enter text.

Description:

Click or tap here to enter text.

Recommended Action:

Present comments and hear reports.

Prior Board Motions:

Click or tap here to enter text.

Fiscal Consideration:

N/A

Background:

Click or tap here to enter text.