

# Alachua County

## Department of Growth Management Staff Report

**Application Number: CPA-04-16**

Staff Contact: Ben Chumley, Senior Planner, (352) 374-5249

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**SUBJECT:** County-initiated amendment to the Alachua County Comprehensive Plan: 2011-2030, amending the Future Land Use Element Policy 6.4.2, relating to the minimum lot size requirements for new residential development in Rural Clusters, to eliminate the general allowance for lots within new residential development to be as small as one-half acre if connected to central water.

**APPLICANT/AGENT:** Alachua County Board of County Commissioners

**CHRONOLOGY:** Original Staff Report Date: April 13, 2016  
Planning Commission (LPA) Hearing: April 20, 2016  
County Commission Transmittal Hearing: May 24, 2016  
County Commission Adoption Hearing: TBD

**STAFF RECOMMENDATION:** Approve transmittal of CPA-04-16 to the State Land Planning Agency and other agencies for review and comment.

**LPA RECOMMENDATION:** Approve transmittal of CPA-04-16 to the State Land Planning Agency and other agencies for review and comment. (4-2 vote)

**BoCC ACTION:**

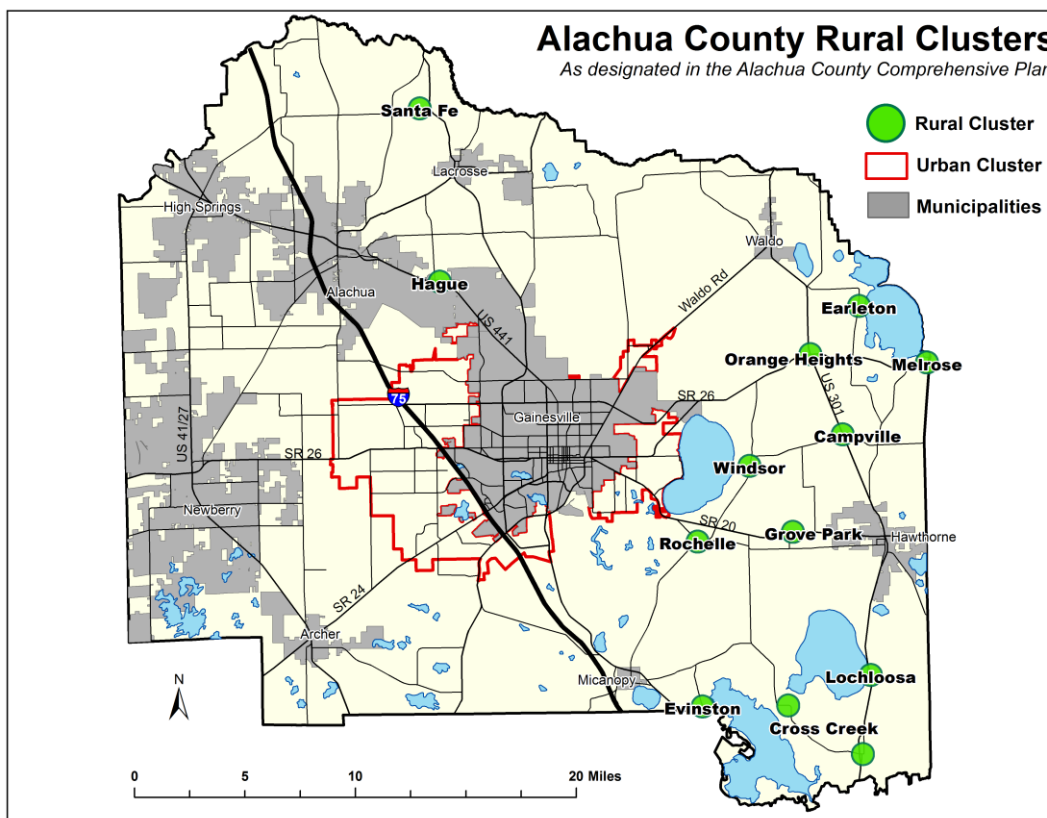
## Introduction

CPA # 04-16 is a County-initiated amendment to the Alachua County Comprehensive Plan: 2011-2030 that would amend the Future Land Use Element Policy 6.4.2 to eliminate the provision which allows new residential development within Rural Clusters to have lots as small as one-half acre if connected to central water. The proposed policy change is shown in strike-through and underline format in **Exhibit 1** of this report.

The Board of County Commissioners authorized advertisement of public hearings on this proposed amendment on January 26, 2016, based in part on concerns that were raised by several citizens of the Melrose area during the course of discussions on the boundary of the Melrose Rural Cluster about the potential for proliferation of new one-half acre lots on septic near Lake Santa Fe, and potential concerns about the impacts on water resources.

## Background

Rural Clusters are a Future Land Use category in the Alachua County Comprehensive Plan which applies to 13 historic settlements located throughout the Rural Areas of the county, outside of the Urban Cluster (see map of Rural Clusters below).



The adopted Comprehensive Plan policies for Rural Clusters are provided under Objective 6.4 of the Future Land Use Element. As stated in Objective 6.4, “Rural Clusters are historic rural settlements outside of the urban cluster. These clusters serve as a focus for

an existing rural community. They generally lack public services and facilities identified as necessary for more intense urban development.”

The purpose of the Rural Cluster designation and related policies is to preserve the historic rural character of these small settlements, and to distinguish them from the surrounding Rural/Agriculture areas and protect those areas from incompatible land uses. The Comprehensive Plan policies provide for residential and commercial infill within the boundaries of Rural Clusters at a density and intensity that is compatible with the existing land use patterns in the Rural Cluster.

### **Analysis of Proposed Amendment**

Policy 6.4.2 of the Comprehensive Plan, Future Land Use Element currently provides that new residential development within Rural Clusters may be permitted on lots of one acre or greater for development on private wells and septic tanks, or on lots as small as one-half acre if connected to a centralized water system. The proposed amendment would eliminate that part of the policy which provides for lots in new residential development to be as small as one-half acre if connected to a centralized water system. The effect of the amendment is that the minimum lot size for new residential development, i.e. proposed new subdivisions, in all Rural Clusters would be one acre, regardless of whether it is connected to a central water system. The amended policy would be consistent with the general County policies and regulations which require that lots within most new residential development must be at least one acre unless they are connected to centralized potable water and sanitary sewer systems.

Melrose and Hague are the only Rural Clusters that are proximate to centralized potable water systems for possible connection by new development, and therefore, they are the only Rural Clusters where new residential development could potentially have lots as small as one-half acre based on a connection to central water. The Melrose water system originates in Putnam County and has transmission lines which extend across the County line into portions of Melrose in Alachua County. Some unincorporated portions of the Hague Rural Cluster are proximate to centralized potable water service from the City of Alachua, although most of the Rural Cluster has been annexed into the City of Alachua.

The adopted Policy 6.4.2 does not require a connection to a centralized sanitary sewer system for new development with lots as small as one-half acre on central water. Centralized sanitary sewer service is not available for connection within the Rural Clusters, except for the Hague Rural Cluster, in which some unincorporated portions are proximate to the City of Alachua sanitary sewer system. In the absence of centralized sanitary sewer, any newly created one-half acre lots would be served by private septic systems for wastewater disposal. The Alachua County Comprehensive Plan has policies which generally prohibit the extension of centralized water and sewer lines into the unincorporated area outside of the Urban Cluster, except in specific limited circumstances.

Given both the lack of centralized sanitary sewer within or near the Rural Clusters except for portions of Hague, and the policies against extensions of sewer lines into the unincorporated Rural Areas, it is highly unlikely that new centralized sanitary sewer systems will be available in Rural Clusters in the foreseeable future.

The Alachua County Comprehensive Plan generally prohibits the creation of new subdivision lots of less than one acre on septic within most areas of the County (see summary of the relevant Comprehensive Plan policies and excerpts from those policies in Appendix A). The Alachua County Unified Land Development Code (ULDC) implements the Comprehensive Plan policies with standards for minimum residential lot sizes for private well and septic systems (see ULDC Table 407.110.1 below). The ULDC standards require a minimum lot size of one acre for any new residential development on private well and septic systems, with the exception of Rural Clusters, where new residential development may have lots as small as one-half acre if connected to a central water system (see Footnote 3 of Table 407.110.1 in bold below). If this proposed Comprehensive Plan amendment to Policy 6.4.2 is approved and becomes effective, then the ULDC will be amended to be consistent with the policy by eliminating Footnote 3 in Table 407.110.1.

The proposed amendment to Policy 6.4.2 would bring the Rural Cluster policies into conformance with the general County policies and land development regulations for new residential development on well and septic, which generally call for a minimum lot size of one acre. The proposed amendment would also result in a consistent minimum lot size of one acre for new residential development within Rural Clusters, regardless of whether the new development is connected to central water.

**Table 407.110.1  
Minimum Residential Lot Sizes for Private Well and Septic Systems**

			<b>Minimum Lot Size</b>
Existing Lots of Record	Established prior to 1991	Individual lots or part of previously approved subdivisions	½ acre <sup>1</sup>
	Established after 1991	Individual lot	½ acre
		Part of a previously approved subdivision	1 acre
		In a Rural Cluster, an individual lot or part of a previously approved subdivision	½ acre
New Development and New Lot Splits	Within Idylwild/Serenola Special Area Study		3 acres
	Outside Idylwild/Serenola Special Area Study		1 acre <sup>2,3,4</sup>

<sup>1</sup> Where it is demonstrated that a lot cannot be combined with adjacent lots, private well and septic may be allowed on existing lots of record, established prior to 1972, which are smaller than ½ acre, subject to approval by the Alachua County Health Department.

<sup>2</sup> In Rural Clustered Subdivisions where there is a demonstration that the associated sanitary systems will cause no degradation of surface water or groundwater quality, as determined by the Alachua County Health Department, private septic may be allowed on lots as small as ½ acre.

<sup>3</sup> **IN RURAL CLUSTERS, LOTS AS SMALL AS ½ ACRE MAY BE PERMITTED IF SERVED BY A CENTRAL WATER SYSTEM.**

<sup>4</sup> New development inside the Urban Cluster may only be permitted to use well and septic if an exception is granted in accordance with §407.109.

## **Information on Existing Lots**

Within the Melrose and Hague Rural Clusters, the small number of undeveloped lots and relatively small size of those lots indicate that there is limited potential for creation of new residential subdivision lots consistent with the requirements of the County's Subdivision Regulations. The proposed policy change would not prevent the County from issuing permits for single-family residential uses on existing undeveloped lots regardless of size, provided that those lots are legal lots of record and the proposed use meets other applicable requirements of the Unified Land Development Code including the standards of the zoning district in which the lot is located.

Policy 6.4.2 applies only to new residential subdivisions, i.e., the division of real property into three or more lots. The policy does not apply to new residential construction on existing lots of record. The proposed policy change would only affect *new* residential subdivisions of land that is proximate to and could connect to a centralized potable water system.

Data on existing lot sizes, and whether those lots are developed or undeveloped, is included in Appendix B of this report. This data indicates that:

- In the Melrose Rural Cluster, there are 154 existing lots; 136 (88%) of those lots are developed and 18 (12%) are undeveloped. Of the 18 undeveloped lots, 9 lots are less than one acre.
- Within the unincorporated portions of the Hague Rural Cluster, there are 48 total lots; 43 (90%) of those lots are developed and 5 (10%) are undeveloped. Of the 5 undeveloped lots, 4 lots are less than one acre.

## **Comprehensive Plan Consistency**

Staff finds the proposed amendment to be internally consistent with the Alachua County Comprehensive Plan as a whole, and in particular the following Objective:

### ***OBJECTIVE 6.4 - RURAL CLUSTERS***

*Rural clusters are historic rural settlements outside of the urban cluster. These clusters serve as a focus for an existing rural community. They generally lack public services and facilities identified as necessary for more intense urban development. Policies and related development regulations for Rural Clusters shall preserve their existing rural character, ensure compatibility with the surrounding Rural/Agriculture areas, and protect the historic and natural resources which make these communities unique.*

The proposed amendment would eliminate the general allowance for new residential development in Rural Clusters to have lots as small as one-half acre if connected to central water, which would result in a consistent one acre minimum lot size for all Rural Clusters. As noted in the staff analysis above, the proposed policy change would be consistent with County policies and regulations which generally require a minimum lot size of one acre for new residential development that is not connected to centralized potable water and sanitary sewer systems. Although two of the thirteen Rural Clusters are proximate to centralized potable water systems, most of the Rural Clusters lack the full range of public services and facilities, such as centralized sanitary sewer, activity-based recreation, local road networks, and urban-level fire protection services, which are necessary for more intensive urban development.

The proposed amendment would also reduce the potential number of septic systems associated with new residential development in the Melrose Rural Cluster, which would address concerns about potential impacts on water resources for areas near Lake Santa Fe. Lake Santa Fe is designated by the State of Florida as an Outstanding Florida Water and is a natural resource which makes the Melrose Rural Cluster unique.

The proposed amendment would also reduce the potential land use conflicts between Rural Clusters and the surrounding Rural/Agriculture areas (which provide for a maximum density of one dwelling unit per five acres) by eliminating the possibility for new residential lots in Rural Clusters to be as small as one-half acre if connected to central water.

### **Effect of Amendment on Affordable Housing**

As previously discussed, the proposed amendment would eliminate the general allowance for new residential development, i.e. new residential subdivisions, in Rural Clusters to have lots as small as one-half acre if connected to a central water system. The reasons for the amendment have been discussed previously in this report.

The proposed amendment would have a limited effect on the provision of affordable housing because it would only affect new residential development within the small geographic areas of the Melrose and Hague Rural Clusters. Melrose and Hague are the only Rural Clusters which are proximate to central water service, and are therefore the only Rural Clusters where the creation of new subdivisions with lots as small as one-half acre would be a possibility under the adopted policy. As detailed in the data on existing lots within Melrose and Hague, there are very few existing undeveloped infill lots that are proximate to centralized potable water service, and all of those lots are less than 5 acres. Given the characteristics of these existing lots within the Melrose and Hague Rural Clusters, there would be limited potential for the creation of new residential subdivisions with lots as small as one-half acre under the adopted policy. Therefore, the overall effect

of the policy amendment on the provision of affordable housing in Alachua County would be insignificant.

### **Staff Recommendation**

Staff recommends **transmittal** of CPA-04-16 to the State Land Planning Agency and other agencies for review and comment based on the following:

#### **Basis:**

The proposed amendment is consistent with the policies in the Alachua County Comprehensive Plan which generally prohibit the creation of new subdivision lots less than one acre on private well and septic systems. (see summary of relevant Comprehensive Plan policies and excerpts from those policies in Appendix A).

The proposed amendment is also consistent with Objective 6.4 (Rural Clusters) of the Future Land Use Element because it will strengthen the protection of rural character within Rural Clusters by eliminating the allowance for new lots to be as small as one-half acre if connected to central water, resulting in a consistent minimum lot size of one acre for new development in all Rural Clusters.

The proposed amendment would also reduce the potential number of new septic systems that could be established in the Melrose Rural Cluster, which would address concerns about potential impacts on water resources such as Lake Santa Fe, which is designated by the State of Florida as an Outstanding Florida Water and is a natural resource which makes the Melrose Rural Cluster unique.

## Exhibit 1 – Proposed Amendment to Future Land Use Element

Policy 6.4.2 Residential development within Rural Clusters may be permitted with lot sizes of one acre or greater ~~for development on private wells and septic tanks, or on lots as small as one-half acre for development on a central water system, consistent with Potable Water/Sanitary Sewer Element Policy 2.1.3.1 and Conservation and Open Space Element Policy 4.5.5(f).~~



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### Appendix A

#### Summary of and Excerpts from Alachua County Comprehensive Plan Policies Relating to Minimum Lot Size Requirements for New Residential Development on Septic Systems

New urban residential development, i.e. a density of one dwelling unit per acre or greater, within the Urban Cluster is required to connect to centralized potable water and sanitary sewer systems.

##### FUTURE LAND USE ELEMENT

**Policy 1.2.4** *All new residential development in the urban cluster shall:*

- (a) . . .
- (b) *connect to centralized potable water supply and sanitary sewer systems in accordance with Policy 2.1.1 of the Potable Water and Sanitary Sewer Element.*

##### POTABLE WATER AND SANITARY SEWER ELEMENT

**Policy 2.1.1** . . . *Any new subdivision, expansion of an existing subdivision, multi-family, or any new or expansion of a non-residential use, development or redevelopment in the urban cluster, shall be required to connect to a centralized potable water and sanitary sewer system for service by FDEP permitted potable water and wastewater treatment plants. . . .*

*Exceptions to this requirement may be provided for certain non-residential uses, and for new residential development in areas designated as Estate Residential on the Future Land Use Map, for which connection is infeasible because of engineering factors that would prevent operation and maintenance of the system connection within the range of standard procedures. . . .*

Any new residential development within High Aquifer Recharge Areas must have a minimum lot size of one acre, unless it can be demonstrated that smaller lot sizes and associated septic systems will cause no degradation of groundwater quality.

##### CONSERVATION AND OPEN SPACE ELEMENT

**Policy 4.5.5** *Appropriate local planning, development design standards, and special construction practices shall be required to ensure both short and long-term mitigation of impacts on groundwater created by activities occurring in high aquifer recharge areas. The following provisions shall apply:*

- (f) *Limitations on package treatment plants and septic systems are as follows:*
  - (1) . . .

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- (2) *New development not connected to central sanitary sewer shall be limited to a minimum lot size of one (1) acre to prevent degradation of groundwater quality unless the applicant can demonstrate that smaller lot sizes and associated sanitary systems will cause no degradation of groundwater quality.*

Within the “Rural/Agriculture” areas of the County, where central sewer is not generally available and policies prohibit the extension of new sewer lines except in limited circumstances, the maximum gross density for new residential subdivisions is one dwelling unit per five acres. The Rural/Agriculture policies do provide for “Rural Clustered Subdivision” design in which new lots may be less than five acres if they meet the clustering requirements, including that at least 50% of the property be set aside as open space; such new subdivisions may have lots that are less than one acre in order to allow for design flexibility, provided that the proposed septic systems meet specific performance criteria (see Policy 6.2.13 of the Future Land Use Element).

**Policy 6.2.13** *Developed Area*

*... At a minimum, all developed areas must be designed to comply with the following principles, to the extent feasible considering the location and protection of natural resources:*

*(a) Flexible home siting and lot sizes. Diversity and originality in home siting, lot size and design are encouraged to achieve the best possible relationship between the development and the features on the land through the following strategies:*

(1) ...

(2) *Lots smaller than one acre may be allowed provided that well and septic System configuration, location, and operation and maintenance comply with public health and environmental quality standards, subject to the following:*

a. *The number of lots less than one acre shall be determined and located consistent with Conservation and Open Space Element Policies 3.6.11 and 4.5.5(f).*

b. *Common septic systems may be utilized to serve lots less than one acre, consistent with Conservation and Open Space Element Policy 4.5.5(f), subject to performance criteria in the land development regulations specifying criteria such as system configuration, location, and management.*

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### Appendix B Data on Existing Lot Sizes within Rural Clusters

#### Melrose Rural Cluster

Lot Size	Developed Lots	Undeveloped Lots	Total
Less than 1 acre	77	9	86
1-1.99 acres	35	5	40
2-5 acres	20	4	24
Greater than 5 acres	4	0	4
<b>Total Number of Lots</b>	<b>136</b>	<b>18</b>	<b>154</b>

Source: Alachua County Property Appraiser's Office Tax Parcel Data, March 2016

#### Hague Rural Cluster (unincorporated portion)

Lot Size	Developed Lots	Undeveloped Lots	Total
Less than 1 acre	23	4	27
1-1.99 acres	16	0	16
2-5 acres	4	1	5
Greater than 5 acres	0	0	0
<b>Total Number of Lots</b>	<b>43</b>	<b>5</b>	<b>48</b>

Source: Alachua County Property Appraiser's Office Tax Parcel Data, March 2016

#### All Rural Clusters Combined

Lot Size	Developed Lots	Undeveloped Lots	Total
Less than 1 acre	403	158	561
1-1.99 acres	180	38	218
2-5 acres	109	19	128
Greater than 5 acres	26	2	28
<b>Total Number of Lots</b>	<b>718</b>	<b>217</b>	<b>935</b>

Source: Alachua County Property Appraiser's Office Tax Parcel Data, March 2016