

**Board of County Commissioners
Leon County, Florida**

**Workshop on
Re-evaluation of Allowable Densities
In Conservation Subdivisions**

**12:00 to 1:30 p.m.
Tuesday, February 28, 2006**

**Leon County Board of County Commissioner Chambers
Leon County Courthouse, 5th Floor**

This document distributed: February 22, 2006

Board of County Commissioners

Workshop Item

Date of Meeting: February 28, 2006
Date Submitted: February 22, 2006

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Vincent S. Long, Assistant County Administrator
Wayne Tedder, Director of the Planning Department

Subject: Re-evaluation of Allowable Densities in Conservation
Subdivisions

Statement of Issue:

This workshop item is for the Board to consider the issue of allowable densities in Conservation Subdivisions as set forth in Article XI, Division 2, §10-1429 of Chapter 10, the Land Development Code ("LDC") of the Code of Laws of Leon County, Florida (Attachment #1).

Background:

On March 22, 2005 the Board adopted an amendment to the regulations for Conservation Subdivisions as set forth in the Land Development Code. Recently, in response to citizen concern over the allowable densities within a Conservation Subdivision, the Board requested further information concerning the new densities and how they relate to the Comprehensive Plan and other material provisions within the Land Development Code.

Analysis:

Conservation Subdivisions are defined as residential or mixed-use developments in which a significant share of the parent tract is set aside permanently as open space and the configuration and layout of lots respects the significance and character of the open space. The intent is to achieve similar levels of gross development (in terms of numbers of dwelling units) to what would otherwise be obtained under local zoning categories, but also to allow such flexibility in lot layout as to minimize fragmentation of useful open space. Such open space may be identified for ecological, environmental, agricultural, silvicultural, and even historical purposes. keystones of such programs are the ideas of permanent protection of the open space and the adjustment of standards to foster the protection of open space versus encroachment. The current ordinance requires that the reserve area comprise no less than 50% of the total parcel, be contiguous, and be reserved permanently by easement for natural open space, passive recreation uses, environmental purposes, or agriculture/silviculture with certain restrictions.

The Comprehensive Plan embraces the concept of preserving more of the character of the landscape in Leon County, especially at the edges of the Urban Services Area, while providing the authority for innovative approaches to lot layout that may reduce infrastructure costs and generate diversity in lot sizes and shapes. Development is allowed on no more than 50% of a total Conservation Subdivision site and the allowable densities, set forth in the ordinance on page 4, lines 11-18, are as follows: in the Urban Fringe, 1 dwelling unit per 1.33 gross acres; in areas designated Rural Residential in the Bradfordville Sector Plan in the Urban Fringe, 1 du/3 acres with a 10% density bonus. There are three development options allowable within the UF district: Non-Cluster, Cluster, and Conservation Subdivision. Attachment #2 provides a diagram of these options.

The dilemma facing the use of conservation subdivisions in Leon County is simple: they must compete with cluster development. The Comprehensive Plan requires a conservation subdivision to be "density neutral," which is defined as, "... the allowable density achieved through the utilization of the conservation subdivision design approach shall not exceed the maximum density established for the Future Land Use Map category and base zoning district applicable to the subject property ..." The maximum allowable density in areas in which conservation subdivisions are allowed is in a cluster development, at a density of 1 dwelling unit per gross acre if the development is clustered on no more than 25% of the property, with the remaining 75% of the land available for future development if and when it is within the Urban Services Area (USA). Thus, in order to be density neutral, a conservation subdivision can allow no more than 1 dwelling unit per gross acre; the current ordinance is actually less dense, allowing for 1 dwelling unit per 1.33 acres in a conservation subdivision.

While a conservation subdivision may *initially* result in more dwelling units because more acreage can be developed up front, there is no possibility of future development on the reserve area because the undeveloped areas are set aside permanently in a conservation easement. On the other hand, a typical cluster development could, in the future, become developable at densities commensurate with development on central sewer and other infrastructure services within the USA. A value choice must be made – is it better for the community to know that the land is *permanently* protected under the care of one owner while allowing more initial development, or to wait and see what ultimately happens to the undeveloped land in a clustered project? Staff believes that the certainty of permanently protected and managed contiguous reserve areas within conservation subdivisions is of greater benefit, and better meets the Comprehensive Plan's goals for the Urban Fringe, than does clustered development, which is initially developed at a high density on one-quarter of the property and has the potential to be *completely* developed at equal or higher densities in the future.

Citizens have expressed concern that land that is otherwise not developable, due to environmental constraints, is allowed to count toward the 50% reserve area in a conservation subdivision. The conservation subdivision ordinance, as currently written,

requires the reserve area to contain the most sensitive environmental areas of a project to ensure that they are under the conservation easement. In other types of development within the county, such constrained lands are allowed to count toward a lot's minimum size (note that Section 10-346(a)(3)1 of the LDC requires sufficient buildable area of ½ contiguous acre if the site has environmental constraints and is on septic. This applies also to Conservation Subdivisions). Further, in a cluster development, environmentally constrained lands are included in the calculation of total acreage, from which the 1 dwelling unit per acre density allowed in the clustered development area is determined (environmentally constrained lands that are within residential lots cannot count toward the required 75% preserved area that is set aside until the land is included in the USA). These latter two statements have been confirmed by staff from the Growth and Environmental Management Department.

The Growth and Environmental Management Department also provided the following comment, which sums up the argument behind Conservation Subdivisions well: "the purpose of a conservation subdivision is to protect natural resources (outside of individually owned private lots) while allowing for a greater density than what the current [cluster] zoning district will allow. The density bonus is a necessary tool to encourage developers to place all natural resources in fee simple ownership under the control of one land owner rather than spread the natural resources evenly throughout individual privately owned lots without consideration of management of these environmentally constrained lands."

Options:

1. Do not direct staff to prepare an ordinance to modify the Conservation Subdivision densities.
2. Direct staff to prepare an ordinance to modify the Conservation Subdivision densities.
3. Board direction.

Recommendation:

Option #1.

Attachments

1. Leon County Conservation Subdivision Ordinance (Section 10-1429)
2. Diagrams of Hypothetical Development Densities

PA/VSL/WT/RS

ORDINANCE NO. 05-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO DEFINE "DENSITY NEUTRAL" AND "NATURAL FOREST STAND"; TO AMEND AND/OR CLARIFY THE PURPOSE, ELIGIBILITY AND STANDARDS OF CONSERVATION SUBDIVISION DEVELOPMENTS; TO PROVIDE FOR CONFLICTS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Section 10.1, of Article 1 of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is amended by adding the following definitions in alphabetical order, as follows:

Density neutral shall mean that the gross density of a parcel to be developed shall not exceed the maximum permitted density established for the land use category and base zoning applicable to the subject parcel.

Natural forest stand shall mean forest stands that have been regenerated by natural seedfall. For the purposes of the conservation easement, other types of timber stands, where native species compositions have been restored through planting, may be classified as "naturally forested" on a case-by-case basis.

Section 2. Section 10-1429, Conservation Subdivisions, of Division 2 of Article

XI of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is amended as follows:

(a) *Purpose and intent.* ~~Conservation or cluster subdivision design is encouraged to preserve and protect open spaces and environmentally sensitive land, by concentrating development on the most developable portion of a site, advance environmental resource protection or restoration by analyzing the development parcel so as to locate and coordinate appropriate areas for development and conservation. Applicants shall be required to participate in a pre-application meeting prior to submission of an application. The following standards shall apply to proposed conservation subdivision design developments. These provisions may apply to cluster development in the urban fringe area and shall apply to all cluster development proposed in areas designated Rural Residential in the Bradfordville Sector Plan. Such development will shall permanently preserveset aside preservation features and canopy road protection zones and, to the greatest extent practicable, other functional open space and sensitive natural resources. In addition, Conservation Subdivisions shall allow for a diversity of lot sizes, housing choices, and building densities.~~

~~_____ (b) *Procedures.* Conservation subdivisions shall be reviewed and authorized through the subdivision and Type "D" site and development plan review processes.~~

Eligibility. Conservation subdivision provisions, no matter the form of ownership, may be applied at the request of a landowner in the Urban Fringe area, and they shall apply to all clustered development proposed in areas designated Rural Residential in the

Bradfordville Sector Plan. The provisions herein shall be applied to all Conservation Subdivisions, regardless of the form of ownership.

(c) ~~Density. The gross density shall not exceed the maximum density established for the land use category and base zoning applicable to the subject parcel, subject to a suitability determination made by the Leon County Health Department. Up to a ten percent density bonus may be approved at the discretion of the board if more than 50 percent of the site is reserved in perpetuity for common open space through a conservation easement or for natural resource preservation purposes through a mechanism acceptable to the Leon County attorney and approved by the board.~~

Procedures and Review.

(1) Conservation subdivisions shall be reviewed and authorized pursuant to the site and development plan review and approval procedure provisions of Division 4, Article XI of Chapter 10 of the Leon County Code. In addition to submittals required for appropriate review under other provisions of the Leon County Code, the following submittals shall also be required:

- a. A land preservation plan, showing all existing vegetation and proposed changes and new planting, if any.
- b. A geographic features and land use map of all land within 500 feet of the site that shall indicate floodplains, area hydrography, publicly or privately managed parks or preserves, and adopted or proposed greenways.

The required plans and maps shall be prepared and sealed by a licensed architect, engineer, or landscape architect, as appropriate.

- (2) Pre-Application Meeting. Applicants shall be required to participate in a pre-application meeting with all necessary and appropriate local government departments prior to submission of an application for a Conservation Subdivision. At least 5 working days prior to the meeting, the applicant shall provide the land preservation plan and the site's geographic features and land use map as described above.

(d) Minimum Lot Size: The minimum lot size shall be one-half acre in Urban Fringe areas. In areas designated as Rural Residential in the Bradfordville Sector Plan, the minimum lot size shall be one acre, unless the board finds that provisions have been made to adequately address wastewater treatment and disposal, and that the superior design of the site using smaller lots strengthens the rural character of the developed and open space areas.

(e) Maximum lot size: ~~No residential lot shall be greater than three acres in size.~~ Density: Conservation Subdivisions, no matter the form of ownership, shall be density neutral. In UF, the maximum density in the Development Area of a Conservation Subdivision shall be 1 dwelling unit per 1.33 gross acres of the Total Parcel.

In areas designated Rural Residential in the Bradfordville Sector Plan, the maximum density shall be 1 dwelling unit per 3 gross acres of the Total Parcel in Urban Fringe and 1 unit per 10 gross acres in the Rural land use category. Up to a 10% density bonus may be applied to Conservation Subdivisions in the Rural Residential areas of the Bradfordville Sector Plan, subject to a Type "C" review process.

(4) ~~Open space.~~

(1) ~~At least 50 percent of the gross development area shall be reserved as common open space.~~

(2) ~~Open spaces shall be continuous to the greatest extent practical and shall be of sufficient dimensions to accommodate authorized uses.~~

(3) ~~Common open space use limitations shall be established prior to approval of the final plat. Generally, common open space may be reserved for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), agricultural land or environmental purposes.~~

(4) ~~If common areas are to be used for agricultural purposes, the applicant shall establish a Type "D" buffer between common pastures, animal enclosure areas or crop lands and residential lots. The applicant shall also establish appropriate easements to address common impacts of the normal agricultural operations (e.g., noise, dust or odors).~~

(5) ~~Development easements on agricultural or open space land shall be encouraged in order to protect the reserved land in perpetuity and to afford maximum state and federal tax incentives, deductions and credits to the landowner.~~

(f) Design Standards. Conservation Subdivisions shall be made up of two distinct areas, the Reserve Area and the Development Area, which combined comprise the Total Conservation Subdivision Parcel. The Total Parcel shall be contiguous in location and configuration, except that roads, utility easements or other similar linear infrastructure features may traverse it.

(1) *Reserve Area.*

- a. The acreage that comprises the Reserve Area shall comprise no less than 50% of the Total Parcel; shall be designated as permanent open space via easement; shall be continuous and contiguous to the greatest extent practicable with other portions of the site including the Reserve Area; shall be contiguous with or proximal to existing or planned public or private greenspace to the greatest extent practicable, and shall be of sufficient size and buffered to accommodate authorized uses and ensure the protection of all critical on-site resources that are to be preserved.
- b. Preservation areas and viewshed areas within designated protection zones for canopy roads shall be incorporated into the Reserve Area; Conservation areas, archaeological sites, agriculture and silviculture, Rural Roads as designated in the Bradfordville Sector Plan, and other open space shall be incorporated into the Reserve Area to the greatest extent practicable.
- c. The Reserve Area shall adjoin any existing or planned adjacent areas of open space, or natural areas that would be potential sites for inclusion as part of a future area of protected open space as depicted in the Greenways Master Plan.
- d. Reserve Area land shall be reserved permanently by easement for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), or environmental purposes, but may

contain accessory structures such as barns or utility sheds, provided they are not habitable.

- e. Reserve areas can be used for agriculture provided that the area is not classified as a naturally forested area, conservation or preservation area. Existing agricultural, grazing, and horticultural uses of the property may continue provided that all such activities be designed to prevent soil erosion; to protect water quality and wetlands; and to maintain the scope of traditional or existing agricultural activities under Best Management practices thereof. Reclaiming planted forested sites not classified as "naturally forested" to fields, pastures, orchards, groves, and turning open sites to forests is allowed. Usage on open, nonforested sites may be rotated, i.e., cropland may be put into pasture or planted with pine, preferably longleaf pine.
- f. If a Reserve Area is to be used for agricultural purposes, the applicant shall establish a Type "D" buffer between common pastures, animal enclosure areas or croplands and residential lots adjacent to but not part of the conservation subdivision. Such buffers may be considered as part of the Reserve Area for purposes of meeting the minimum relative size requirement of the Reserve Area. The applicant may also be required to establish appropriate easements to address common impacts of the normal agricultural operations (e.g., noise, dust or odors).

- g. Reserve areas can be used for silviculture provided that the area is not classified as a naturally forested area, a conservation area, or a preservation area. Selective thinning of existing planted pines shall be permitted in conservation and preservation areas on a case-by-case basis if managed to promote a native forest stand. All other existing silviculture operations in proposed reserve areas shall employ all best management practices (BMPs) as may be adopted or updated by the Florida Division of Forestry from time to time.
- h. The Reserve Area shall be placed under a permanent easement that runs with the land. Subject to approval by the County, the easement may be assigned to the local government or to an existing land trust that is a 501(c)(3) organization for which conservation of resources is a principal goal and which can provide reasonable assurance it has financial and staff resources to monitor and manage the easement. Development easements on agricultural or open space land shall be encouraged in order to protect the reserved land in perpetuity and to afford maximum state and federal tax incentives, deductions and credits to the landowner.
- i. Stormwater management facilities which are otherwise permissible are allowed in the reserve area provided that the facilities are located outside of preservation areas, canopy road protection zones, naturally forested areas, and meet one of the following two standards:

1. Wet detention ponds shall have side slopes of 6:1 or flatter with appropriate wetland tree and aquatic plants species that visually integrates the stormwater facility into the overall Reserve Area.

2. Retention ponds shall have side slopes of 4:1 or flatter with appropriate tree and plant species that visually integrates the stormwater facility into the overall Reserve Area.

g-j. All applicants for a Conservation Subdivision shall submit a management plan describing how the Reserve Area land will be maintained in perpetuity, including provision of a dedicated source of funds approved by the local government, to finance the timely and consistent execution of the plan.

~~(g) Access. Access to the residential units in a conservation subdivision design development shall be provided from internal streets with the principal entrance of the internal road system abutting upon a public road. For any proposed private street serving more than four dwellings, the establishment of road maintenance and funding mechanisms shall be required, and shall be approved by the person or entity with the authority to approve such development.~~

(2) Development Area. The Development Area shall include that portion of the Parcel proposed for development at the density established for the land use category and base zoning applicable to the subject property. The Development Area shall be located on the least environmentally or otherwise significant portions of the Total Conservation Subdivision Parcel in accordance with Section (f)(1) above; comprise no more than

fifty (50) percent of the Total Conservation Subdivision Parcel; be contiguous, and configured in such a manner as to not adversely interfere with continued farming or silviculture uses in the Reserve Area; and allow maximum open space to be easily maintained in the Reserve Area. Design of the Development Area shall follow the procedural steps set forth below.

- a. Delineate areas of the site to be reserved due to their significant features and value to the area's continued natural character in accordance with Section (f) (1) above;
- b. Determine the number of allowable lots desired;
- c. Locate potential development sites on the area of the tract not delineated as reservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;
- d. Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and
- e. Delineate boundaries of individual residential lots where lot sizes and shapes, block sizes and shapes, and street networks and alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites that are properly related

to topography and the character of surrounding development, encourage a range of housing types and sizes, and provide safe and convenient vehicular access to public streets.

f. Specific development and locational standards shall be subject to the minimum standards of the underlying land use category and base zoning district and shall be established at the time of development plan submittal.

~~(h) Maximum number of residential dwelling units per cluster. Residential dwelling units shall be clustered in groups of not more than ten dwelling units per cluster in areas designated as Rural Residential in the Bradfordville Sector Plan.~~

~~(i) Separation between clusters. Residential clusters shall be separated by a minimum of 400 feet of open space in rural residential areas as designated in the Bradfordville Sector Plan.~~

Section 3. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, wither in whole or in part, with the said Comprehensive Plan. Any provisions that are otherwise repealed by this ordinance shall nonetheless continue to apply to those applications on file and being reviewed by the county as of the effective date of this ordinance.

Section 4. Severability. If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a

separate, distinct, and independent provision and such hold shall not effect the validity of the remaining portion of the ordinance.

Section 5. Effective Date. This ordinance shall become effective as provided by law.

Duly passed and adopted by the Board of County Commissioners of Leon County, Florida, this 22d day of March, 2005.

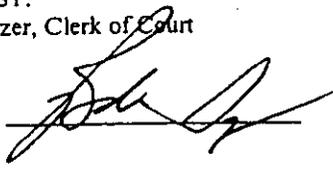
LEON COUNTY, FLORIDA



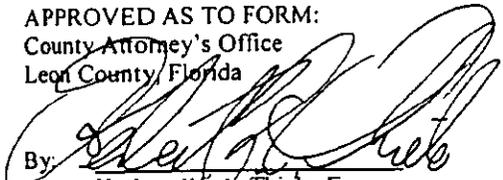


Cliff Thall, Chairman

ATTEST:
Bob Inzer, Clerk of Court

By: 

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: 

Herbert W. A. Thiele, Esq.
County Attorney

Non-Clustered Subdivision
Urban Fringe or Bradfordville Sector Plan

17 Maximum Realized Dwelling Units on 60 acres

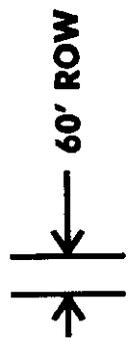
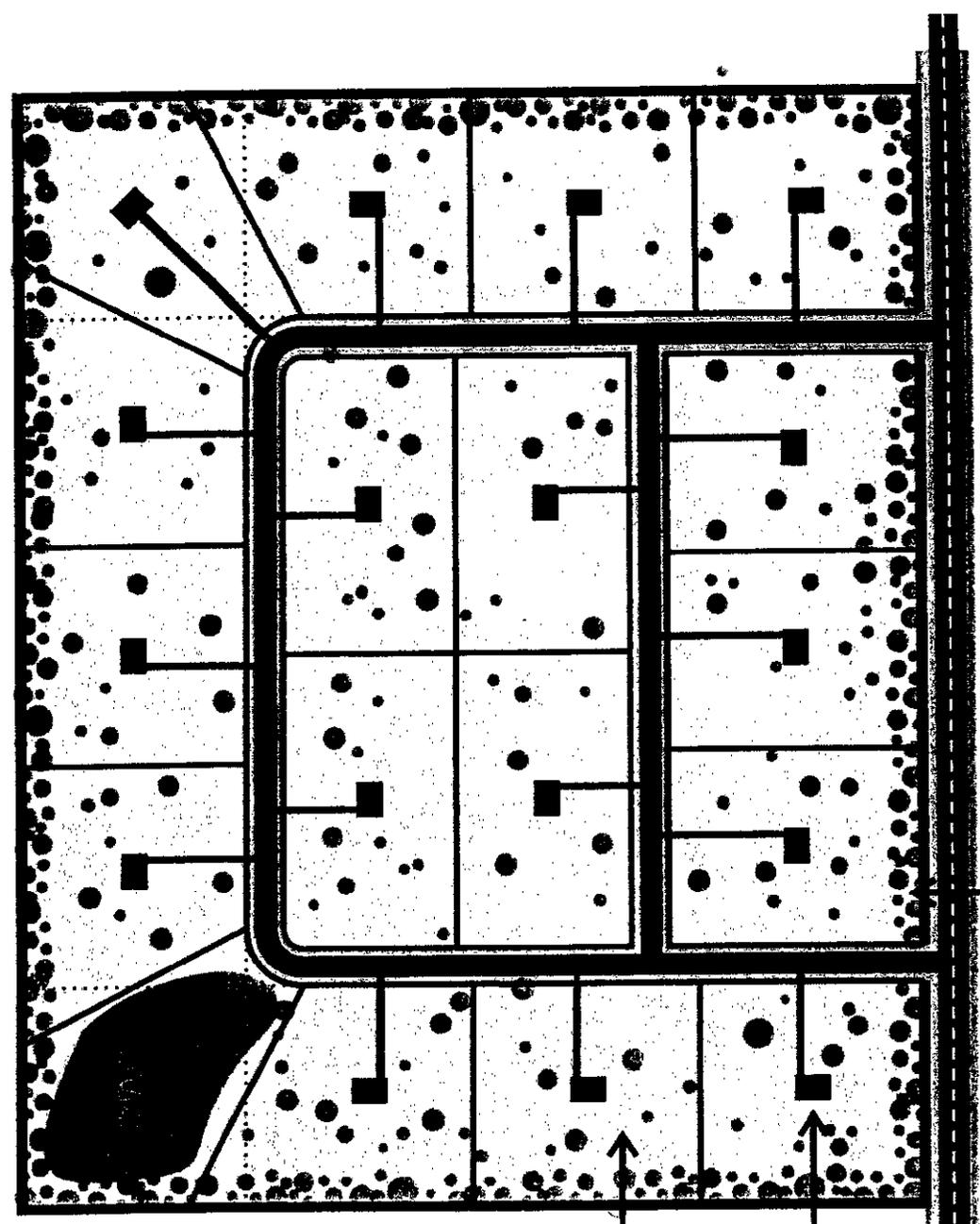
1 du/3 acres

3 acres minimum lot size
All parcels shown are 3 acres



2200 SF dwelling

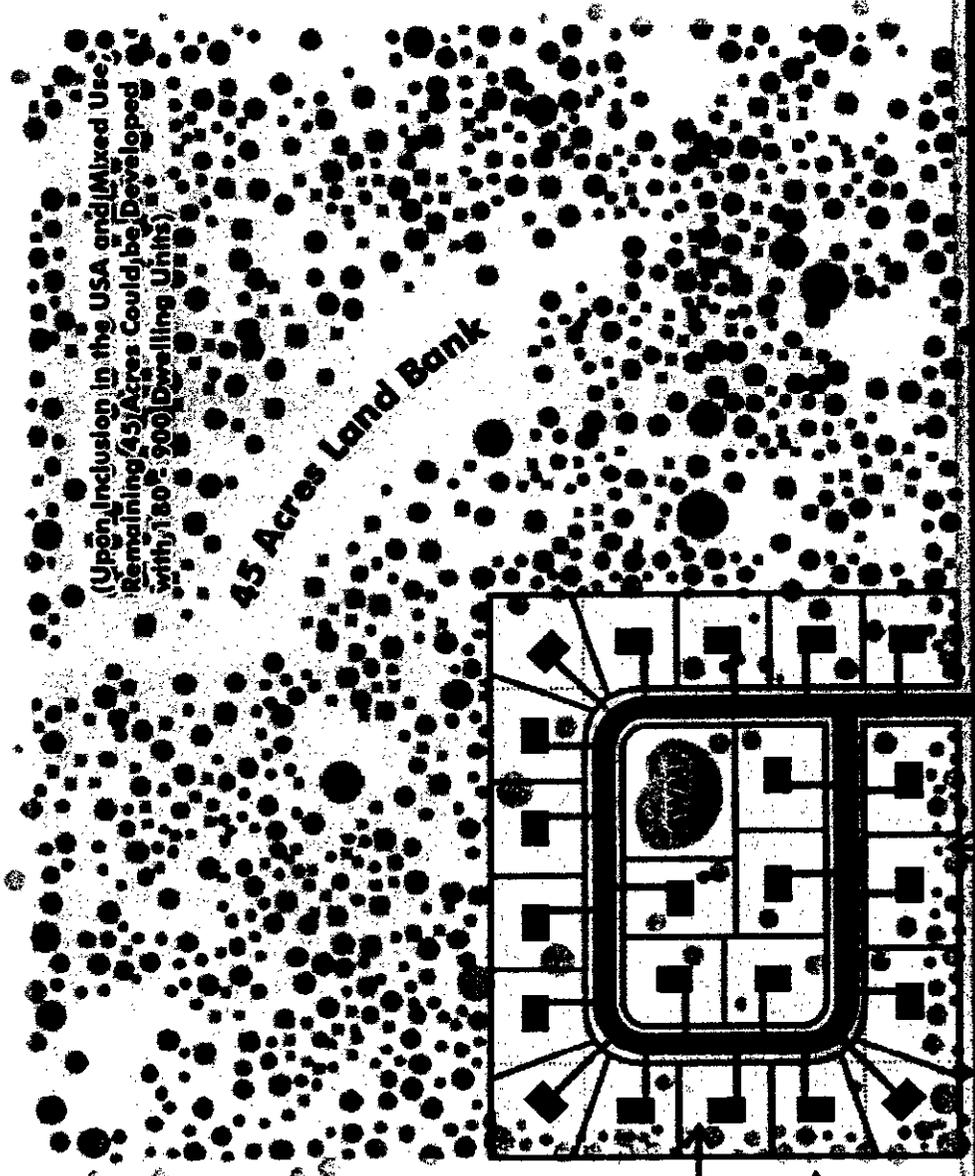
1 acre



50' Landscape buffer



2/24/05



Clustered Subdivision
Urban Fringe
 Shown

22 Dwelling Units Realized
 on 15 acres of 60 acre site

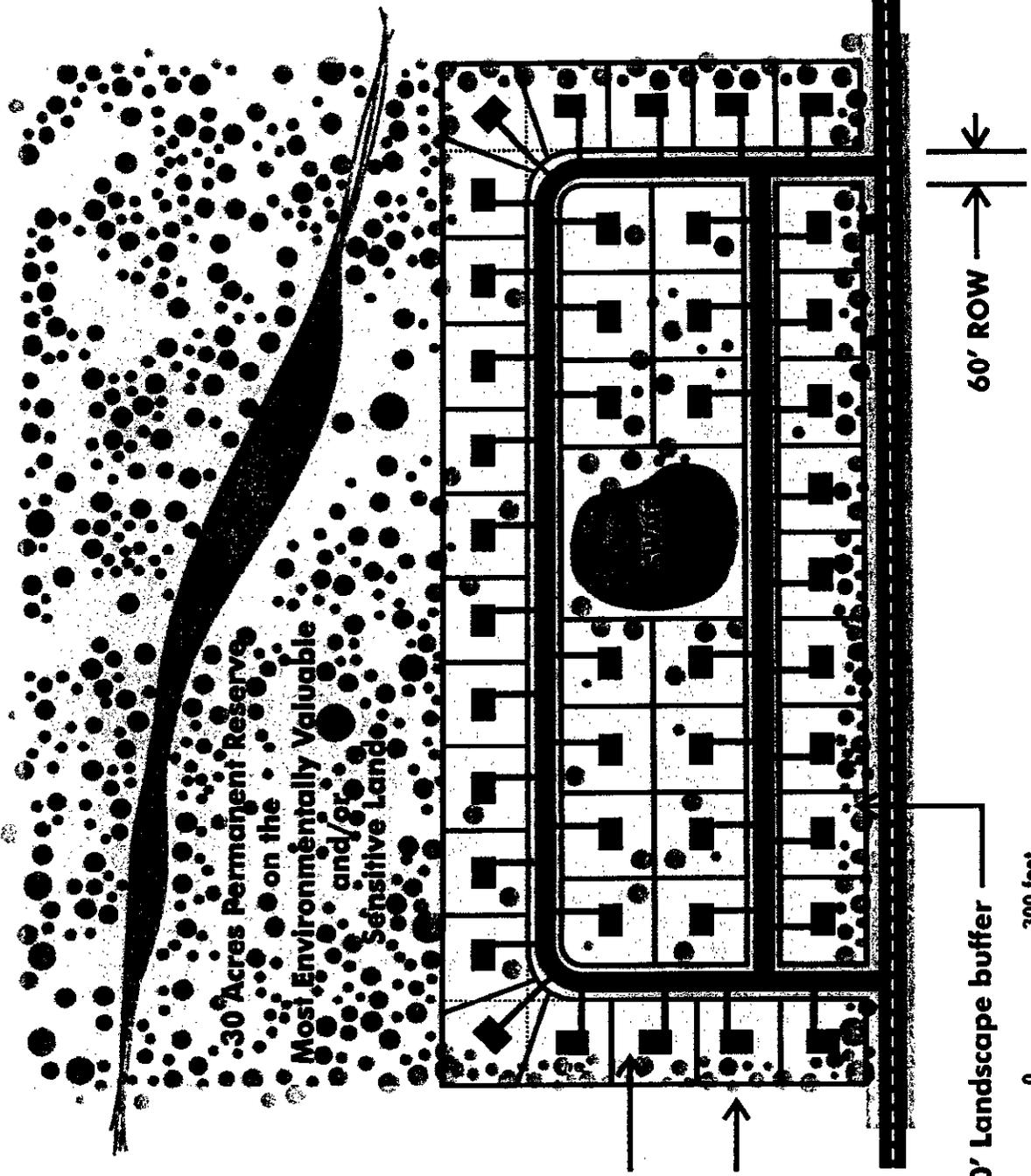
1 du/1 acre

1/2 acre minimum lot size
 All parcels shown are .5 acres
 except as noted



TICPD
 Tallapoosa County
 Planning Department

2/24/05



**Conservation
Subdivision
Urban Fringe**

43 Dwelling Units Realized
on 30 acres of 60 acre site

1 du/1.33 acres

1/2 acre minimum lot size

.5 acre
parcel

1 acre

2200 SF dwelling

50' Landscape buffer

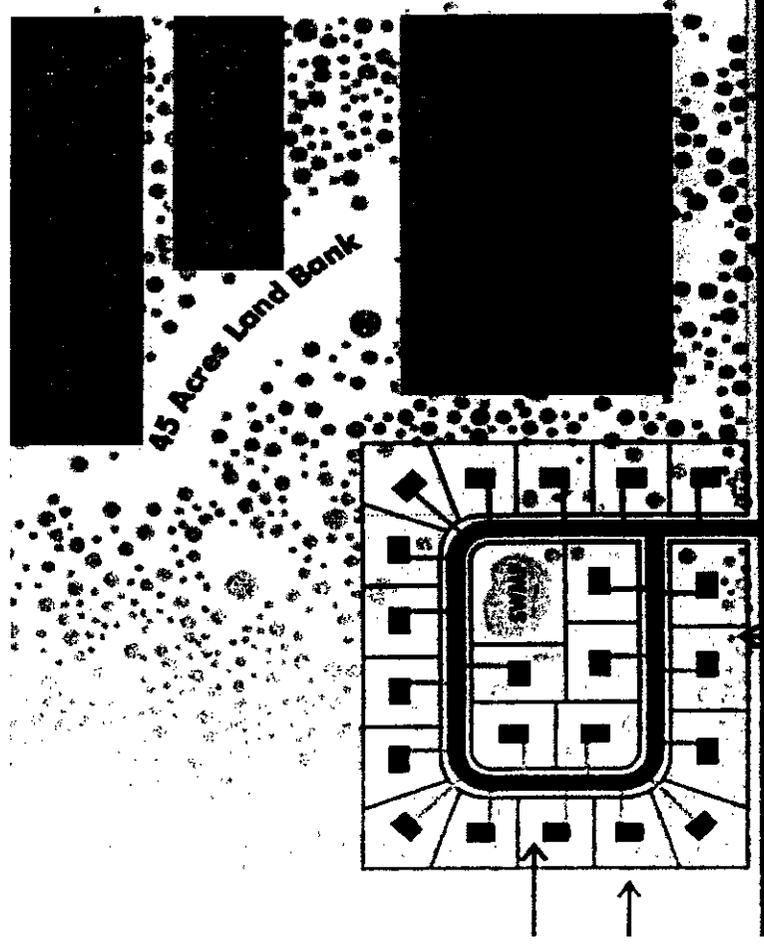
60' ROW



Cluster vs. Conservation Subdivision Build-Out Comparison

Cluster

Maximum Buildout 202 to 922 Units



Conservation Subdivision

Maximum Buildout 43 Units

