



Alachua County Development Review Committee Staff Report

Project Number: DR24-000043

Preliminary and Final Development Plan for Elwood Family Homestead Subdivision

SUBJECT: Elwood Family Homestead Subdivision
DESCRIPTION: 4 lot family homestead subdivision with 1 residual lot
AGENT/APPLICANT: 3002 Surveying, LLC
PROPERTY OWNER: Elwood and Elwood

PROPERTY DESCRIPTION:

| | |
|----------------|----------------------------------|
| Location | 2275 NW 156 th Avenue |
| Parcel Numbers | 07745-004-000 |
| Land Use | Rural/Agriculture |
| Zoning | Agriculture |
| Acreage | 36.00 |

CHRONOLOGY:

| | |
|---------------------------|------------|
| Application Submittal | 08/06/2024 |
| Insufficiency Report | 08/26/2024 |
| Application Resubmittal | 09/03/2024 |
| Sufficiency Determination | 10/30/2024 |
| DRC Hearing | 11/21/2024 |

STAFF RECOMMENDATION: Recommend **approval with conditions** of the Preliminary and Final Development Plan for Elwood Family Homestead Subdivision.

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DESCRIPTION OF PROPOSED PLAN:

This application proposes a Preliminary and Final Development Plan for a four-lot family homestead subdivision (three new lots and one residual) on approximately 36 acres with associated infrastructure improvements.

Per Unified Land Development Code (ULDC) Section 402.141 *Family Homestead Exception Applicability*, a Family Homestead Exception may be granted in accordance with the provisions of this Article on a parcel designated on the Comprehensive Plan's Future Land Use Map as Rural/Agriculture without meeting the density and intensity standards of the land use designation. A family homestead exception shall be used solely as a homestead by an immediate family member of the person who conveyed the property. Once a family homestead exception is granted by the Zoning Administrator, as the Director's designee, the division of land may then occur in accordance with the requirements of Article 8, Subdivisions, of Chapter 407 of this ULDC.

The Zoning Administrator reviewed the applications for family homestead exception for each family member and granted a family homestead exception certificate for each family member. The applicant is now proceeding with the subdivision of land.

This project is being proposed as a Family Homestead Subdivision, as defined in Section 407.75 *Family Homestead Subdivisions* of the Unified Land Development Code (ULDC). The Development Review Committee (DRC) may approve a subdivision of up to six lots including the residual in the Rural/Agriculture area, for lots created for family members in accordance with Chapter 402, Article 23. In this Family Homestead Subdivision, there will be four (4) total lots, including the residual homestead lot.

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

The site carries the Rural/Agricultural Future Land Use designation. Specific policies for this land use designation are contained in Part 6.0 of the Future Land Use Element. The proposed subdivision allows for the creation of four (4) lots on 36.0 acres. The Rural/Agricultural Future Land use category generally allows for densities up to one dwelling unit per five acres, and this subdivision meets this allowance.

Policy 7.1.20 (Implementation) provides for family homestead exception and defines family members as follows:

The land development regulations shall provide for the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, step-

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parent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel by the Future Land Use Map of the Comprehensive Plan. Such a provision shall apply only once to any individual. The regulations to implement this policy shall provide procedures for lot splits or subdivision of land for the purpose of conveying a lot or parcel to individuals meeting these requirements for the establishment of a homestead and shall provide for minimum lot size of the lots so created and the remaining lot. Lot splits or subdivisions of land permitted pursuant to this policy shall be subject to compliance with all other applicable Comprehensive Plan policies and Federal, State, Regional, and County regulations.

As part of the application for a family homestead exception, the immediate family member must provide an affidavit stating that the family homestead lot is being created for use solely as a homestead by the immediate family member, that the family member shall occupy the residence for at least 5 years from the date a certificate of occupancy is issued for the residence, and acknowledging that the homestead shall not be transferable within that five year period [402.143 (c) *Family Homestead Exception Certificate*]. The applicant has provided these affidavits, and the affidavits with the approved Family Homestead Exception Certificates will need to be recorded prior to building permit.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

The property is zoned Agriculture (A). The A zoning district correctly implements the Rural/Agricultural Future Land Use category. The project proposes single family residential uses that are consistent with the A zoning district.

GENERAL DEVELOPMENT STANDARDS

The setbacks will meet the Agricultural zoning district requirements.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

The property is a bonafide agricultural operation with wetlands onsite. The proposed subdivision provides the minimum required 50 ft. wetland buffer, per Sec. 406.43 and Sec. 406.98. The site plan shows the location of the wetland and associated buffer, in compliance with Sec.407.75(a)(3), along with the following note: Ongoing agriculture and silviculture farming operations within the wetland and wetland buffer must meet the provisions and criteria of F.S. § 163.3162, the Agricultural Lands and Practices Act, or F.S. § 823.14(6), the Right to Farm Act, or comply with the provisions of Chapter 406 – Natural and Historic Resources Protection, Alachua County Unified Land Development

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Code.

LANDSCAPING

The Family Homestead Subdivision regulations provide a specific exception to the ULDC landscaping requirements. Section 407.75(e) states:

Family Homestead Subdivisions shall not be subject to the requirements of Article 4, Landscaping of Chapter 407.

As such, no landscaping is required for the subject property.

TREE PRESERVATION

No trees are proposed to be removed with the development plan. Any regulated tree removal will require a tree removal permit application prior to any site clearing or tree removal.

ACCESS MANAGEMENT

Section 407.75 *Family Homestead Subdivision* establishes standards for family homestead subdivisions. Section 407.75 (c) states that a private easement road internal to the subdivision may be utilized where such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards and:

1. Those lots fronting on an existing public road shall be restricted to access to the internal road.
2. The internal roads must meet the standards for minimum width, stabilization requirements, and maintenance as outlined in the code.

Additionally, 407.75(a) 2 states that there must be a declaration on the recorded survey that the roadway is a private road which is neither dedicated to nor accepted by Alachua County and that the maintenance of the road is not the responsibility of the County, regardless of use by public service vehicles, and that the applicant shall maintain the road in a manner to make it accessible for service delivery as determined by the Fire Rescue and Public Works departments.

The development plan proposes using an existing internal drive that connects to NW 156th Avenue to access the subdivision and it will provide access to Parcels A and C. Another east/west easement internal to the site will provide access to Parcels B and D.

WATER AND WASTEWATER SERVICES

Residences will be served by individual wells and on-site septic systems. Table 407.110.1 provides for minimum lot sizes for use of private wells and septic systems. The minimum lot size is 1 acre. The proposed lots all exceed 1 acre and meet this requirement.

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STORMWATER MANAGEMENT

Section 407.75 (f) of the ULDC provides a specific exemption from the Stormwater Management criteria of Chapter 407 Article 9, so long as proposed development will not impact adjacent properties. No improvements are required to be made with this application.

TRANSPORTATION

Mitigation for development resulting from this development plan will be through payment of impact fees prior to issuance of a Certificate of Occupancy.

CONCURRENCY

A Final Certificate of Levels of Service Compliance (CLSC) for all public facilities will be issued upon Final Development Plan Approval and will be valid for one year. Provided that construction has commenced within the allowable period, the project shall have reserved capacity for a period of no more than two years from commencement of construction.

PUBLIC SCHOOL FACILITIES

The Alachua County School Board staff has reviewed the proposed development for student impacts for compliance with the school concurrency management program in accordance with the Inter Local Agreement and determined that adequate school facilities are available in the affected School Concurrency Service Areas (SCSA). This capacity determination dated April 24, 2020 is based on findings that this project will require one (1) elementary school student stations in the Gainesville East Alachua SCSA, one (1) middle school student stations in the Bishop SCSA, and one (1) high school student stations in the Eastside SCSA.

The School Board in accordance with their Policy 5120-Assignment Within District will determine specific school assignment for students living in the development area. Student Assignment Rules states "The Superintendent may assign or reassign students on a case by case basis to schools or programs located in or out of their assigned zone, for the health, safety, or welfare of the students, other students or staff." No assurances are given that the assignments will be made to the most closely located, or currently zoned, facilities. The provision of services to students in the development area may require redrawing of attendance zone lines, reassignment and busing to facilities elsewhere in the District, the use of temporary facilities, and/or the relocation of specific educational programs.

PLAT REQUIREMENTS

Section 407.75 (a) *Family Homestead Subdivisions* provides that a Family Homestead Subdivision does not require platting, but shall be documented by the recording of a registered survey with the following information:

1. Legal description of each lot with the name and relationship of each family

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- member for whom the FHE certificate was issued.
2. A declaration that the roadway is a private road which is neither dedicated to nor accepted by Alachua County and that the maintenance of the road is not the responsibility of the County, regardless of use by public service vehicles, and that the applicant shall maintain the road in a manner to make it accessible for service delivery as determine by the Fire Rescue and Public Works Departments.
 3. Location of any natural or historic resources present on the site.

Section 407.75 (b) states that no further division of the lots shall be allowed. Any further division would require full compliance with the provisions of the ULDC.

The survey provided with the application meets the listed requirements. No plat is required for this subdivision, but the applicant is required to provide a certified copy of the recorded survey documents to the Department of Growth Management after recording. Building permits will not be issued until these documents have been received.

STATE AND FEDERAL PERMIT

The issuance of a state or federal permit shall not obligate the County to grant approval of any local permit and shall not be deemed to satisfy the requirements of the ULDC. As well, the issuance of this permit does not indicate that Alachua County believes that the applicant has all federal and state permits necessary prior to commencing construction.

Because §125.022(4), F.S. makes it hard for local governments to coordinate their permitting activities with state and federal permitting agencies, the applicant is advised that conflict with a subsequently issued state or federal permit may cause a need to apply for an amendment to this development plan approval.

Upon approval of a development plan, the applicant shall obtain all required state and federal permits prior to commencement of the development. Upon issuance of a required state or federal permit, the applicant shall furnish a copy of such permit to the applicable County department.

DEVELOPMENT PLAN EXPIRATION:

This registered survey shall be recorded within one-year of the Development Review Committee approval of the subdivision. The Family Homestead Subdivision shall expire without further action by the Development review Committee if the survey is not recorded within this timeframe [Sec 407.75(g)].

STAFF RECOMMENDATION

Staff has found the proposed Preliminary and Final Development Plan to be consistent with the Comprehensive Plan and requirements of the Unified Land Development Code.

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Staff recommends **approval with conditions** of the Preliminary and Final Development Plan for **Elwood Family Homestead Subdivision**

CONDITIONS

1. The family homestead survey will be recorded within one year of approval.
2. The family homestead affidavit and family homestead exception certificates will be recorded prior to building permit.
3. No Construction Permit is required due to the existing driveway access to serve all lots. A driveway permit for this existing access is required, and this permit will include a condition to close the eastern unpermitted driveway as part of the new driveway permit.