

STAFF REPORT

Planning & Zoning Commission: February 13, 2006

Local Planning Agency: March 15, 2006

Board of County Commissioners: March 15, 2006

Board of County Commissioners:

APPLICANT: Stardust 184, LLC **FILE NUMBER:** CPAM-06-03

PURPOSE: Comprehensive Plan Amendment to amend the Future Land Use Element by adding Objective 1.01V and policies 1 - 5 for Rural Clustering

GENERAL

LOCATION: County Wide

LEGAL

DESCRIPTION: County Wide

FILE STATUS: All the requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

The applicant, 184 Stardust, LLC, is proposing an amendment to the Future Land Use Element of the Hernando County Comprehensive Plan by creating a new objective and policy cluster to allow the clustering of residential development at an increased density beyond the allowed one unit per ten acres in the Rural Category of the Future Land Use Map (FLUM) when there is a preservation of at least fifty percent of the parcel in permanent open space and other environmental issues are addressed. The approval under the proposed policies will be accomplished by amending the FLUM to designate a parcel as “Rural Residential Overlay”. The applicant also proposes allowing a density increase from .1 dwelling unit per acre to .5 dwelling units per acre, a fivefold increase in density.

Proposed Policy Cluster 1.01V, which establishes standards for increasing density regulation of rural land uses and includes a set of policies that implement the stated objective, is provided below. The text to be included is shown in underline format for ease of reference.

STANDARDS FOR INCREASED DENSITY THROUGH CLUSTERING IN THE RURAL LAND USE CATEGORY

OBJECTIVE 1.01V: ESTABLISH STANDARDS FOR CLUSTERED DEVELOPMENT OF PROPERTY AT A MAXIMUM DENSITY OF 0.5 UNITS PER ACRE WHERE SUCH PROJECTS MEET IDENTIFIED CRITERIA, SUCH AS PROXIMITY TO COUNTY PAVED ROADS, PROVISION OF INCREASED OPEN SPACE, TRAIL OR GREENWAY CONNECTIVITY,

ENHANCED HABITAT OR ENVIRONMENTAL RESOURCE PRESERVATION, AND/OR OTHER LISTED CRITERIA.

POLICY 1.01V(1): Parcels of property 40 acres or greater, in single ownership as of January 1, 1990, in the Rural Land Use Category, may be developed at a maximum density of 0.5 dwelling units per acre on property where residential units are clustered on 50% or less of the property and the remaining property is placed in permanent conservation/preservation.

POLICY 1.01V(2): Properties to be considered for increased density shall be required to seek a “Rural Residential Overlay District” designation via amendment to the Future Land Use Map.

POLICY 1.01V(3): Consideration of a Rural Residential Overlay District designation on a given property shall be based upon review of the following site-specific criteria:

- 1) Percentage of land to be left in public open space.
- 2) Adjacency to public lands for greenways extension.
- 3) Environmental sensitivity of the land.
- 4) Aesthetic nature of the clustered development.
- 5) Preservation of rural vistas.
- 6) Provision of trails or other recreational amenities.
- 7) Preservation of historical or archaeological sites.
- 8) Preservation of natural forested ecosystems.
- 9) Preservation of habitat for listed species.

POLICY 1.01V(4): Density levels for properties under consideration for Rural Residential Overlay Designation shall be applied based on the number of criteria met in Policy 1.01V(3), as outlined in the following scale:

<u>Criteria Met</u>	<u>Density (units per ac)</u>
<u>1-3</u>	<u>0.2 – 0.3</u>
<u>4-6</u>	<u>0.3 – 0.4</u>
<u>7-9</u>	<u>0.4 – 0.5</u>

POLICY 1.01V(5): Properties under consideration for the Rural Residential Overlay District designation shall have or create access to a paved, county-maintained roadway. All roads within the clustered portions of the project shall be paved.

According to the Applicant’s narrative, the overall intent of the policy cluster is to allow for more efficient clustering of development densities in rural areas, while enhancing the retention/preservation of unique rural features.

The narrative further states, this request is for the establishment of a new policy cluster under the Future Land Use Element, “Standards for Increased Density Through Clustering in the Rural Land Use Category,” that includes objectives and policies to achieve density increases in rural areas through clustering. The overall intent of the policy cluster is to allow for more efficient clustering of development densities in rural areas, while enhancing the retention/preservation of unique rural features.

Objective 1.01V of the policy cluster establishes standards and criteria that allow for increased density under the Rural land use category, while providing such benefits as increased open space retention, preservation of environmental features and habitats, trails/greenways connectivity, and retention of naturally forested ecosystems. In addition to requiring a minimum of 50 percent open space retention and a “Rural Residential Overlay District” designation via amendment to the Future Land Use Map, the amendment requires that a select number of criteria listed under Policy 1.01V(3) be met in order for a given property to be considered for application of this policy cluster.

The Applicant’s narrative offers the following justification for creating the option of clustering development at a higher density in order to preserve open space on the parcel.

A number of large property owners in areas designated “Rural” on the Future Land Use Map find that agricultural pursuits are no longer profitable or desirable. The only alternative readily available to them is to divide their property into 5- or 10-acre parcels. The recent upsurge in property values has made such division of land quite attractive.

The premise of proposing this rural development overlay district is that "clustering" (also called open space development) is a preferable alternative to large lot "rural sprawl," which consumes open space, privatizes all land, and creates lots that are too small for farming or meaningful habitat protection. By providing property owners with another option (clustering), significant amounts of open space can be preserved for public use and/or preservation. With the value of 5- or 10-acre parcels being much greater than clustered smaller lots, the property owner would need to be provided with a “density bonus,” which would allow more units than would otherwise be allowed in the underlying land use classification. The density bonus could be flexible, providing added density for factors such as:

- percentage of land left in public open space
- extension of greenways
- environmental sensitivity of the land
- aesthetic nature of the clustered development
- preservation of rural vistas
- provision of trails (pedestrian, bicycle or equestrian) or other recreation
- preservation of historical or archeological sites
- preservation of natural forested ecosystems
- preservation of habitat of listed species

The proposed addition of the new policy cluster, as outlined below, allows for development at slightly greater densities within rural portions of the County, but requires that such development be clustered on the

site, maintain at least 50 percent of the site as open space and be buffered and/or visually screened from adjacent rural lands. The proposed text affords greater opportunity to establish substantially more preservation and open space on developing lands within the rural areas of the County. By comparison, existing Policy 1.01B(5) of the Future Land Use Element requires that only 30 percent open space be retained on tracts of land 20 to 100 acres in size.

The Applicant's narrative offers the following further explanation of how each of the criteria listed in proposed Policy 1.01V(3) can be used to determine if a site proposed for designation is worthy of such through the Future Land Use Map amendment process.

- 1) Percentage of land to be left in public open space – Proposed project sites must maintain a minimum of 50% of their land area as public open space. Proposed open space uses may include preservation, conservation, passive recreation, etc., and should be depicted on any proposed site plans.
- 2) Adjacency to public lands for greenways extension – Project sites must be located adjacent to or within 1,320 feet of existing public or private conservation lands; other lands may be considered that do not meet the above, but have been identified for inclusion in local, state or federal greenway extension plans.
- 3) Environmental sensitivity of the land – Projects that contain certain environmental features that would benefit from the additional protection provided by the open space requirements of this policy (i.e., lakes, rivers, wetlands, floodplains, sinks, hammocks, etc.) can be included for consideration of the Overlay designation.
- 4) Aesthetic nature of the clustered development – Proposed projects should include design information on the types of structures to be developed, including building sizing, elevations and site placement, landscaping, traffic patterns, pedestrian mobility. Development plans should depict how such features are incorporated.
- 5) Preservation of rural vistas – Projects sites meeting other listed factors and located in portions of the County that contain characteristics for consideration of rural vista preservation (canopy roads, significant elevations, extensive farmland vistas, etc.) may be considered for Overlay consideration. Specific measures for preservation of rural vistas on the site, through such means as buffering, development siting or other means, should be included on any proposed development plans.
- 6) Provision of trails or other recreational amenities – Projects should provide access and connectivity to the associated open space areas on the site to allow for passive recreation by residents. These features may include multi-use paths in the developed portions and/or passive recreation trails within the open space areas. Any path or trail features to be developed within the project, shall be maintained by the homeowners association.

- 7) Preservation of historical or archeological sites – Proposed sites that may contain historical or archeological resources should provide documentation and include plans for the protection and conservation of such resources within their development plans.
- 8) Preservation of natural forested ecosystems – Proposed project sites that contain a substantial amount of naturally forested area (excluding pine or other planted silvicultural plantations) may be considered for application of the Overlay designation. Incorporation of such areas should be addressed within the development proposal and preservation areas identified on the site plan.
- 9) Preservation of habitat for identified listed species – Project sites containing areas of viable habitat for identified listed flora or fauna should be considered for application of the Overlay designation. Such areas and/or resources should be addressed and identified on the site plan and measures for their preservation included in the development proposal.

The Planning Department Staff has held several meetings with the Applicant’s representatives regarding the method and standards contained in the proposed Objective 1.01V and related policies. Although the proposed method to grant a density bonus in Rural areas in exchange for the preservation of open space and other environmental features has merit, the Planning Staff’s opinion is that the proposed density bonus from .1 DU/Acre to .5 DU/Acre is too significant for the character of the Rural areas in Hernando County. The Planning Staff recommends that the density bonus be no greater than up to .3 dwelling units per acre. In research and preparation for this amendment, the Planning Staff reviewed ordinances with density bonuses from other jurisdictions in Florida and around the US. None of the regulations reviewed allowed a density bonus of 5 times, as was proposed by the Applicant. It is the opinion of the Planning Staff that an increase in density of up to 3 times what is allowed in exchange for the environmental benefits, will provide additional incentive to landowners and will maintain compatibility with surrounding parcels that choose to develop at one unit per ten acres as is allowed in the Rural category.

The following is a listing of the objective and policies, which in the opinion of the Planning Staff, will provide the density bonus in the Rural Land Use Category and will help maintain the integrity of the Rural areas of the County.

STANDARDS FOR INCREASED DENSITY THROUGH CLUSTERING IN THE RURAL LAND USE CATEGORY

OBJECTIVE 1.01V: ESTABLISH STANDARDS FOR CLUSTERED DEVELOPMENT OF PROPERTY AT A MAXIMUM DENSITY OF 0.3 UNITS PER ACRE WHERE SUCH PROJECTS MEET IDENTIFIED CRITERIA, SUCH AS PROXIMITY TO COUNTY PAVED ROADS, PROVISION OF INCREASED OPEN SPACE, TRAIL OR GREENWAY CONNECTIVITY, ENHANCED HABITAT OR ENVIRONMENTAL RESOURCE PRESERVATION, AND/OR OTHER LISTED CRITERIA .

POLICY 1.01V(1): Parcels of property greater than 40 acres, in the Rural Land Use Category, may be developed at a maximum density of 0.3 dwelling units per acre on property where residential

units are clustered on 50% or less of the property and the remaining property is placed in permanent conservation/preservation.

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 Hernando County

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 all applicable County requirements and the purpose for which it was created.

POLICY 1.01V(2): Properties to be considered for increased density shall be required to seek a “Rural Cluster Overlay” designation via amendment to the Future Land Use Map.

POLICY 1.01V(3): Consideration of a Rural Cluster Overlay designation on a given property shall be based upon review of the following site-specific criteria:

- 1) Percentage of land to be left in public open space,
- 2) Adjacency to public lands for greenways extension,
- 3) Environmental sensitivity of the land,
- 4) Aesthetic nature of the clustered development,
- 5) Preservation of rural vistas,
- 6) Provision of trails or other recreational amenities,
- 7) Preservation of historical or archaeological sites,
- 8) Preservation of natural forested ecosystems,
- 9) Preservation of habitat for listed species.

POLICY 1.01V(4): Density levels for properties under consideration for Rural Cluster Overlay designation shall be applied based on the number of criteria met in Policy 1.01V(3), as outlined in the following scale:

<u>Criteria Met</u>	<u>Density (units per ac)</u>
<u>Minimum of 3</u>	<u>up to .2</u>
<u>Minimum of 5</u>	<u>up to .25</u>
<u>Minimum of 7</u>	<u>up to .3</u>

POLICY 1.01V(5): Properties under consideration for the Rural Cluster Overlay designation shall have or create access to a paved, county-maintained roadway. All roads within the clustered portions of the project shall be paved to County standards.

STAFF RECOMMENDATION:

The Planning Staff recommends that the Planning and Zoning Commission review the proposed Objective 1.01 V and Policies 1 to 5 as revised by the Planning Staff, provide comments and then recommend to the LPA/BCC that the proposed amendment be transmitted to the Department of Community Affairs for a Objections, Recommendations, and Comments (ORC) report.

P&Z RECOMMENDATION:

LPA/BCC ACTION:

DCA ORC REPORT:

STAFF DISCUSSIONS:

STAFF RECOMMENDATION:

BCC ACTION: