

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** EUREKA HAMMOCK URBAN CONSERVATION VILLAGE  
ORDINANCE – Floodplain Compensating Storage

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Tony Walter **EXT.** 7375

<b>Agenda Date</b> <u>01/25/05</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input checked="" type="checkbox"/>
<b>Public Hearing – 1:30</b> <input type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

Staff seeks direction regarding the ability to provide compensating storage for lands within the 100 year flood plain in the Eureka Hammock Conservation Village.

District – 5 Carey

Tony Walter, Assistant Planning Manager

**BACKGROUND:**

On August 10, 2004 the Urban Conservation Village Ordinance was adopted. The purpose of the Ordinance is to create a flexible and incentive based framework for development of communities harmonious with a rural setting, to preserve the ecological and aesthetic benefits of undeveloped land, and encourage innovative development techniques.

The Myrtle Street Special Area Study, completed in 2002 was the basis from which this concept was developed and identified Sub Area – 1 as the location for implementation of the concept. The developable area in Sub Area – 1 is primarily old celery farms and the study identified 22.91 acres as floodplain using the available FEMA maps.

Recently an inquiry about developing a piece of property in the area revealed that because the land is so flat, probably as a result of former agricultural uses, the floodplain area can be significantly more than the FEMA maps would indicate. In this particular case it appeared there were 2 or 3 acres that were in the floodplain based on the map. After further investigation a topographic survey revealed that the floodplain area is 5 or 6 times greater than expected. The ability to creatively develop this property as anticipated through the development concept is significantly impacted if all of the floodplain is untouched.

<b>Reviewed by:</b>
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>Other:</b> <u>RAW</u>
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No.:</b> <u>bpdp02</u>

During the development of the Ordinance, staff recommended that some compensating storage should be allowed when dealing with the floodplain in this area. However, the Ordinance is silent on the issue and can be interpreted to mean that no compensating storage is allowed in the floodplain.

The goal of the Urban Conservation Village concept is to create development communities harmonious with a rural setting, to preserve the ecological and aesthetic benefits of undeveloped land, and to encourage innovative development techniques. Primary Conservation areas are to be preserved as part of achieving this goal. The definition of Primary Conservation Areas is: "Floodplains, wetlands and areas protected from development by federal, State or local regulations due to their ecological value."

In light of the recent information about the potential extent of floodplain within the area and the fact that the Ordinance does not specifically address compensating storage, Staff seeks direction regarding the ability to provide compensating storage for lands within the floodplain in the Eureka Hammock Conservation Village.

Attachments: Ordinance amending the Land Development Code

O R D I N A N C E

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY BY CREATING PART 27, SECTIONS 30.481, 30.482, 30.483, 30.484, 30.485 AND 30.486; AMENDING SECTION 2.3; ADDING DEFINITIONS; CREATING THE URBAN CONSERVATION VILLAGE OVERLAY ZONING CLASSIFICATION; DELINEATING OVERLAY APPLICABILITY; DESCRIBING THE OVERLAY PURPOSE; PROVIDING TECHNICAL AND DESIGN STANDARDS; PROVIDING FOR DESIGN FLEXIBILITY; PROVIDING INCENTIVES; CREATING GREENWAY REQUIREMENT; DESCRIBING GREENWAY PERMITTED USES; REQUIRING GREENWAY MAINTENANCE; DESCRIBING APPLICATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Seminole County Board of County Commissioners is vested with authority to formulate zoning overlay classifications in order to guide land development in Seminole County; and

WHEREAS, the Board seeks to utilize such authority to encourage development of innovative design, attractive architecture, preservation of natural resources, integrated use of flood plains and natural drainage systems, and encourage interconnected communities; and

WHEREAS, the Board has determined that the best manner to achieve such high quality development is to offer incentives to developers which incorporate Conservation Village design techniques; and

WHEREAS, the Board has determined that large open space areas, made accessible to all Village residents for passive and

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MARYANNE MORSE  
CLERK OF CIRCUIT COURT

SEMINOLE COUNTY, FLORIDA

BY Carla Coker  
DEPUTY CLERK

active recreation and used for preservation of natural resources and flood control, are valuable assets to any residential community; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan; and

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Definitions. Chapter 2, Section 2.3, Land Development Code of Seminole County is hereby amended to add the following definitions:

**Active Recreation:** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields. To include playing fields, playgrounds, basketball and tennis courts and community pools.

**Greenway:** An area of undeveloped land, either retained in its natural state or landscaped, intended to be used for open space, conservation and/or permitted recreation.

**Passive Recreation:** Activity that involves relatively inactive pursuits not requiring buildings and not altering the soil or topography, such as open space and environmental areas. To include village greens, open space commons, picnic areas, community gardens and trails.

**Primary Conservation Areas:** Floodplains, wetlands and areas protected from development by federal, State or local regulations due to their ecological value.

**Secondary Conservation Areas:** Elements of a development site, such as woodlots and viewsheds, which are valuable or unique due to their ecological, aesthetic, historical or cultural significance but which are not protected from development by federal, State or local regulation.

**Viewshed:** Panoramic view of an aesthetically pleasing vista.

Section 2. Creation of Urban Conservation Village Design. Chapter 30, Part 27, Land Development Code of Seminole County is hereby created to read as follows:

**PART 27. Urban Conservation Village Design.**

**Sec. 30.481. Applicability.** The provisions of this Part may be applied only to detached single family residential development in the Myrtle Street Special Study Area, as described in the Future Land Use Element of the Seminole County Comprehensive Plan, which are designated as Suburban Estates on the Future Land Use Map. The provisions of this Part shall

constitute an optional zoning overlay classification known as the "Urban Conservation Village Design." The provisions of this Part shall govern and control development implemented pursuant to the Urban Conservation Village Design, and in that regard, in the event of a conflict between the provisions of this Part and any other provisions of this Code, the provisions of this Part shall govern. However, any development matters not specifically addressed by this Part shall be governed by the applicable sections of this Code.

**Sec. 30.482. Purpose.** The purpose of Urban Conservation Village Design is to create a flexible and incentive based framework for development of communities harmonious with a rural setting, to preserve the ecological and aesthetic benefits of undeveloped land, and to encourage innovative development techniques. In that regard, an Urban Conservation Village should include cluster development of residential units fronting upon large open spaces and greenways. More specifically, a Conservation Village design should promote the following values:

- (a) Sense of a neighborhood community;
- (b) High quality of life;
- (c) Reduced infrastructure needs and costs;

(d) Protection, preservation and creation of attractive and easily accessible open spaces, greenways and outdoor recreational activities;

(e) Protection of floodplains, wetlands and wildlife habitats; and

(f) Preservation of natural drainage flows.

Sec. 30.483. Development Restrictions, Incentive and Flexibility. An Urban Conservation Village development shall have design flexibility within the following technical framework:

(a) It is the intent of this Part to encourage clustering and other innovative design techniques in order to preserve large open spaces and greenway areas for the benefit of all Village residents. In that regard, lot sizes may be smaller than is commonly accepted; provided however, that such lot size must be sufficient to satisfy the purposes of this Part.

(b) It is the intent of this Part to encourage clustering and other innovative design techniques in order to preserve large open spaces and greenway areas for the benefit of all Village residents. In that regard, yard setbacks may be smaller and residential structures may be located closer to internal roads than is commonly accepted; provided however, that front, side and rear yard setbacks shall be of sufficient size that the

purposes of this Part are satisfied and comply with the following standards:

(1) Residential structures, excluding privacy fences, must be set at least 140 feet back from the center line of Myrtle Street.

(2) Residential structures must be set at least 35 feet back from the right-of-way line of any other rights-of-way external to the development.

(3) Residential structures must be set at least 35 feet back from the boundaries with any external developments.

(c) A buffer of at least fifteen (15) feet, consisting of natural vegetation and landscape materials as approved in the Greenway Ownership and Management Plan, must be located along all external development boundaries (except for the boundary fronting on Myrtle Street.)

(d) Each lot shall provide at least four (4) off-street parking spaces. Garage parking spaces may be counted toward this requirement.

(e) The allowable density for a Conservation Village shall be calculated pursuant to Section 30.1359 of this Code, as amended, exclusive of Primary Conservation Areas and roads.



(f) Notwithstanding the foregoing, a density of two (2) units per net buildable acre shall be permitted if all of the following conditions are met:

(1) The development is connected to central water and sewer.

(2) The development incorporates stormwater volume reduction by retaining on-site the difference between pre-development and post-development runoff volume for a 25-year/24-hour storm event with recovery of seventy-five percent (75%) of volume within seventy-two (72) hours of the storm event.

(3) The development integrates stormwater quality treatment through an offline stormwater management system which incorporates sediment forbays equal to one-half ( $\frac{1}{2}$ ) of the water quality volume, as required by St. John's River Water Management District, upstream of water quality treatment areas.

(4) The development implements a Greenway Ownership and Management Plan regarding its primary conservation and greenbelt areas.

(g) In order to implement the purposes of this Part, the following technical standards are required:

(1) That fences, pools and other residential structures be located no closer than twenty-five (25) feet from Secondary Conservation Areas.

(2) That the visual impact of houses on exterior lots be minimized by use of existing vegetation or planting of additional landscaping per the requirements of the approved Greenway Ownership and Management Plan.

(3) That residential lots be accessed from interior streets unless provision of such access cannot be reasonably provided.

(4) That at least sixty percent (60%) of the residential lots abut, or be located across a street from, greenway land.

(5) No fences with opacity of greater than fifty percent (50%), nor any walls, nor any berms of over three (3) feet in height shall be allowed within 120 feet of the Myrtle Street center line.

(6) That sidewalks be provided on at least one side of all internal streets.

(7) Street lighting shall be designed such that there is no light spillage of greater than one-half (1/2) foot candle onto properties adjacent to the Conservation Village or onto conservation areas.

**Sec. 30.484. Required Greenway.**

The creation of greenways is a primary goal and feature of Urban Conservation Village development. In that regard, a

minimum of fifty percent (50%) of any Conservation Village development must be preserved under a conservation easement as greenway land. Calculation of this fifty percent (50%) requirement shall be subject to the following conditions:

(a) Greenways shall be designed to:

(1) Foster an interconnected network of open space and trails, accessible to neighborhood residents, within the Conservation Village and connection to offsite open space.

(2) Afford convenient access to all Village residents, except so far as such access would damage ecologically sensitive areas or infringe upon active agricultural lands.

(3) Incorporate and protect the following resources:

(A) Stream channels, floodplains, swales, springs and other lowland areas.

(B) Habitat of endangered, threatened, or species of special concern.

(C) Groundwater recharge areas.

(D) Woodlands, large individual trees of botanic significance, or other vegetation features representing the site's rural past.

(E) Historic structures and sites.

(G) Scenic viewsheds.

(H) Trails which connect internal lots to open space and adjacent properties.

(4) Lack man-made structures except for historic buildings, approved walls and approved facilities associated with greenway use.

(5) Utilize at least sixty (60%) of the required greenway in a single consolidated tract connected to other internal and external greenway tracks which may be of smaller size.

(b) The greenway requirement shall be calculated based upon the net acreage of the development exclusive of Primary Conservation Areas and water bodies.

(c) Only lands encumbered by perpetual conservation easements and active agricultural lands may be counted toward the greenway requirement. The terms of a conservation easement shall be flexible to allow for various uses and circumstances, provided that at a minimum, the conservation easement complies with the requirements of Section 704.06, Florida Statutes, as amended, and that the conservation easement include the following encumbrances:

(1) The easement shall be perpetual in nature and run with the land;

(2) The easement shall prohibit any development other than that listed in subsection (d) below;

(3) Except as required for permitted development, permitted landscaping, routine maintenance, removal of invasive species or as specifically provided otherwise, there shall be no removal, destruction, or cutting of trees, shrubs, or other vegetation within the easement area and the land within the easement area shall be allowed to grow in its natural state with supplemental native flora as indicated in the Greenway Ownership and Management Plan;

(4) There shall be no advertising within the easement area;

(5) There shall be no dumping of soil, trash, ashes, garbage, waste or other unsightly or offensive material, except as necessary for fertilization;

(6) There shall be no excavation, dredging or removal of loam, gravel, soil, rock, sand, or other material, except as necessary for agricultural activities, landscaping within the easement area or construction of approved easement amenities and facilities;

(7) Unless specifically permitted otherwise, there shall be no activities, actions, or uses detrimental or adverse

to water conservation, erosion control, soil conservation or fish, wildlife or habitat preservation; and

(8) The easement may only be released as provided by Section 704.06, Florida Statutes, as amended.

(d) In addition to maintenance of land in its natural state, the following uses are permitted in the greenway so far as specifically enumerated by the applicable conservation easement:

(1) Pasture for sport use of horses and equestrian facilities; provided however, that the aggregate greenway is at least 25 acres in size and that such facilities utilize less than 50% of the greenway;

(2) Neighborhood recreational uses such as village greens, open-space commons, picnic areas, community gardens, trails and similar low-impact natural uses;

(3) Neighborhood recreation areas, such as playing fields, playgrounds, bikeways, tennis courts, basketball courts and community pools; provided however, that such uses consume no more than five (5) acres or half of the minimum required greenway (whichever is less.) Further provided that tennis, basketball and pool amenities may not be larger than one (1) acre of the minimum greenway area requirement. Also provided that playing fields and courts shall be located at least fifty

(50) feet away from all external boundaries and one hundred and forty (140) feet from the centerline of Myrtle Street.

(4) Stormwater retention areas which are designed and landscaped as an aesthetic asset to the greenway;

(5) Easements for drainage, access, sewer or water lines; and

(6) Bona fide agricultural activities.

(e) Utilities and streets may traverse the greenway as necessary for safe and efficient flow of traffic; provided however, that areas in which above-ground utility structures and streets traverse the greenway may not be counted toward the minimum required greenway land.

(f) Where the Conservation Village adjoins active recreational public parkland, a greenway buffer shall be provided along the boundary with the parkland. No structures may be constructed within this buffer except as associated with pedestrian trails. Vegetative planting and/or removal of invasive exotic plants may be required within this buffer.

**Sec. 30.485. Ownership and Maintenance of Greenway Land and Common Facilities.**

(a) Greenway conservation easements may be dedicated to the following entities:

(1) A mandatory homeowners association which has authority and responsibility to assess membership fees for the maintenance of greenway and open space areas;

(2) A non-profit land trust or other conservation organization; or

(3) Seminole County, provided that the County approves of such dedication and that, unless specifically ordered otherwise, the County maintains no responsibility for the maintenance of any easement property or facilities.

(b) Regardless of what entity assumes the conservation easement, there may also be established concurrently with the easement a maintenance endowment to fund perpetual care and maintenance of the greenway, other open spaces and their associated facilities.

**Sec. 30.486. Application Process.**

The application process for the Urban Conservation Village overlay designation shall include approval of a Preliminary Plan, a Final Master Plan and a Developers Commitment Agreement. The requirements for each plan are as follows:

(a) During the Preliminary Plan approval process the applicant shall provide, in addition to the requirements of Section 35.43 of this Code, the following:



(1) A series of sketches to indicate the following aspects of the proposed development (to be designed in an overlay fashion such that each subsequent sketch incorporates the information contained in the prior sketch(es), creating a composite sketch of all foregoing information.)

(A) A sketch of the site (and to the extent possible, adjacent properties) including all of the following:

(i) Primary and Secondary Conservation Areas;

(ii) Easements, roads and trails located within the site and within 200 feet of the site;

(iii) Prominent viewsheds; and

(iv) Historically, ecologically or culturally significant sites.

(B) A sketch of proposed greenways and other open space.

(C) A sketch of proposed locations for structures.

(2) A vertical aerial photograph of the site to a scale of not less than one (1) inch equals four hundred (400) feet.

(3) An account of the total acreage to be placed under a conservation easement, the acreage available for development, the estimated total number of residential units to

be constructed and statement as to whether a density incentive will be sought.

(4) The Greenway Ownership and Management Plan, which shall detail the following:

(A) What entity(ies) will own the dominant and/or servient estates under the conservation easement(s);

(B) What entity(ies) will assume responsibility for operation and maintenance of the conservation easement areas and associated facilities;

(C) The proposed schedule and estimated cost of operation and maintenance of the conservation easement areas and associated facilities;

(D) The funding source or method for operation and perpetual maintenance of the conservation easement areas and associated facilities; and

(E) The landscape architecture, vegetation to be used, placement of amenities (including but not limited to facilities and infrastructure) and best management practices for soil and water conservation techniques to be implemented within the conservation easement areas.

(b) The Preliminary Plan shall be reviewed by the Planning and Zoning Board for its recommendation then forwarded to the Board of County Commissioners for approval or denial.

(c) During the Final Master Plan approval process, the applicant shall provide a Final Master Plan and Developers Commitment Agreement incorporating a finalized proposal for the development, which should, at a minimum include a detailed analysis of all development issues addressed during the Preliminary Master Plan approval process.

(d) The Final Master Plan and Developers Commitment Agreement shall be approved or denied by the Board of County Commissioners.

**Secs. 30.487-30.500. Reserved.**

**Section 3. Codification.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Land Development Code of Seminole County, Florida and the word "Ordinance" may be changed to "Section," "Article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 3, 4 and 5 shall not be codified.

**Section 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given

effect without the invalid provision or application, and to this end the provision of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

ENACTED this 10 day of August, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

DARYL G. MCLAIN, Chairman

