

Item # 60

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
CONTINUED FROM JULY 13, 2004**

SUBJECT: URBAN CONSERVATION VILLAGE ORDINANCE

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

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

Agenda Date <u>7/27/04</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>		

MOTION/RECOMMENDATION:

1. Adopt the attached ordinance amending the Seminole County Land Development Code; or
2. Adopt the attached ordinance amending the Seminole County Land Development Code with changes; or
3. Instruct staff to re-advertise the ordinance amending the Seminole County Land Development Code with changes; or
4. Deny the request to adopt the attached ordinance amending the Seminole County Land Development Code; or
5. Continue until a date and time certain.

District – 5 McLain

Tony Walter, Assistant Planning Manager

BACKGROUND:

Planning staff is requesting modifications to the Seminole County Land Development Code which includes creating the Urban Conservation Village Overlay Zoning Classification. At the June 8, 2004 meeting the Board of County Commissioners (BCC) adopted the text amendment to the Vision 2020 Comprehensive Plan to facilitate Urban Conservation Village Development as an option in Sub Area -1 of the Myrtle Street Study Area. This amendment included specific requirements relating to density, stormwater, and conservation/open space.

Staff requested that consideration of this amendment be continued to this meeting to allow staff to receive comments on the draft ordinance from the author of "Rural by Design" and national expert in Conservation Village Design.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <u>JS</u>
CM: <u>VW</u>
File No. <u>ph700pdp01</u>

LPA/P&Z RECOMMENDATION:

The LPA/P&Z at their July 7, 2004 meeting recommended that the Board of County Commissioners deny the ordinance. The ordinance the BCC is reviewing is not the same ordinance reviewed by the LPA/P&Z. The LPA/P&Z stated that the draft ordinance is too restrictive and will discourage use of the Urban Conservation Village.

STAFF RECOMMENDATION:

Staff recommends that the BCC adopt the attached ordinance amending the Seminole County Land Development Code with the following minor changes:

1. The applicability is applied only to single family detached residential development.
2. That each lot shall provide at least four (4) off-street parking spaces, including garage parking space(s).
3. That the Greenway Ownership and Management Plan is to be included as part of the required submittals of Sec. 35.43(a)(13) Homeowners Association.
4. That no fences greater than fifty percent (50%) opaque, walls or berms over three feet (3') high are allowed in the Myrtle Street Setback and buffer.
5. That there is no light spillage greater than one-half (1/2) foot candle onto properties adjacent to the Conservation Village or onto conservation areas.
6. That Greenways shall be designed to foster an interconnected network of open space and trails accessible to neighborhood residents, within the Conservation Village and connect to offsite open space.
7. That the conservation easement shall only be released upon written approval from Seminole County.
8. That tennis or basketball courts and community pools are permitted provided that they may not be counted toward the minimum required greenway area.
9. That playing fields, playgrounds shall be located at leased fifty feet (50') away from any external boundaries or may not be placed within the 140 foot setback from the center line of Myrtle Street.
10. That the approval of the Final Master Plan include a Developers Commitment Agreement.
11. That the Preliminary Plan requirements are consistent with Sec. 35.43 of the Land Development Code and include the supplemental information in Sec. 30.486 – Application Process of the attached draft ordinance. (i.e. sketch plans, Greenway Ownership and Management Plan)

Attachments: Draft ordinance amending the Land Development Code
Policy FLU 9.3 Myrtle Street Study Area Urban Conservation Village
Development Concept
Myrtle Street Urban Conservation Village Area
Private Property Rights Analysis
Economic Impact Statement

**Minutes for the Seminole County
Land Planning Agency / Planning & Zoning Commission
July 7, 2004**

Members present: Alan Peltz, Ben Tucker, Chris Dorworth, Beth Hattaway, Richard Harris, Walt Eismann, and Dudley Bates.

Also present: Don Fisher, Director of Planning and Development; Tony Walter, Assistant Planning Manager; Tina Deater, Senior Planner; Karen Consalo, Assistant County Attorney; April Boswell, Senior Planner; Denny Gibbs, Planner; Jim Potter, Development Review Division and Candace Lindlaw - Hudson, Secretary.

Urban Conservation Village Ordinance; Seminole County, applicant; 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.

Tony Walter, Assistant Planning Manager
Commissioner McLain – District 5

Tony Walter introduced the background of the text amendment and ordinance, stating that the BCC had authorized the advertising of the item in June. The draft ordinance is scheduled for presentation to the BCC on July 13 and July 27. The Board wants to adopt an ordinance which reflects the rural character of the area in question.

Mr. Walter then summarized the report:

Page 2 describes a greenway area and defines the primary and secondary conservation areas. View sheds are defined. The way the homes view common area is defined.

Applicability is only to the Myrtle Street sub area one only.

Current code prevails in areas not addressed in the ordinance.

We encourage cluster development and large lots.

Page 5 notes that there are no minimum lot sizes or minimum yard setbacks. Residential structures can be varied and can be closer to the road than typical in other settings. Setbacks must comply with fire and safety regulations.

Issues such as measurement of rights of way were discussed, along with walls, buffering and use of vegetation. There will be 4 parking spaces on each lot, to help keep cars from parking the streets.

Density in this area complies with the County Comprehensive Plan, up to 2 units per acre. Development in this area must connect to water and sewer. There will be initiatives for water volume reduction. Storm water quality systems are required. Retention ponds are allowed in the open space and must be monitored.

Page 7 discusses fences. Fences will not be allowed any closer than 25 feet to wetland areas.

The majority of homes are to be adjacent to greenway areas.

Sidewalks will be on at least one side of internal streets.

Lighting criteria is addressed starting on page 8. No lighting spillage will be allowed to adjacent residential or conservation areas.

There will be 50 percent greenway area. Open space should be accessible to neighborhood residents.

Retention ponds are allowed in open space calculations.

Neighborhoods will be connected internally and externally. Adjacent open spaces should be put together.

Section 5B discusses natural water bodies, not retention ponds.

On page 12, note that recreation areas shall be no closer than 50 feet to the nearest residence. This may be reduced with tot lots. There is a list of permitted uses.

Under item E, streets are excluded from density calculations. Underground utilities will not interfere with density calculations. Maintenance endowments may be allowed. St. Johns River Water Management will not accept any land without an endowment.

Page 14 outlines the 4 step process on how the design is done.

Page 15 discusses greenway management.

Commissioner Dorworth stated that this is an incentive plan.

Mr. Walter stated that one unit per acre is allowed at present.

Commissioner Tucker stated that chain link fencing should be allowed.

Commissioner Tucker stated that Page 8, item A-1 is too vague. "Neighborhood resident" should be specified.

Commissioner Hattaway asked about the status of placement of school bus stops. Could school bus stops be addressed here?

Commissioner Tucker agreed that this is an important issue.

Mr. Walter stated that staff could add language to sections dealing with buffers.

Commissioner Tucker asked about feedback from the State of Florida.

Mr. Walter stated that there had been questions on industrial uses. There is one section called the Midway Industrial Park.

Robert Jasmine of 1153 Myrtle Street stated that this document is not finished. The steering committee, of which he is a member, has problems with the ordinance. Changes keep occurring. There are holes in the document as it is now. It needs to be reviewed by Randall Arndt. It is not ready to go to the BCC.

Mr. Jasmine said that tennis courts are not natural lands, and should be subtracted from open space calculations. Trails should also be subtracted. Retention ponds need to be eco-friendly, otherwise they should also be subtracted from the 50% greenspace calculations.

Ann Esterson of 1235 Myrtle Street said that the project has been worked on for 2.5 years now. She agrees with the concept. She has trouble with the restrictions. This must be practical. Ms. Esterson stated that she is not in agreement with the 35 foot setbacks. Today, only RC-1 zoning has 35 foot setbacks. A 15 foot buffer is difficult.

Ms. Esterson stated that things are too specific in places. Parking for 2 of 4 cars- can the interior of the garage be counted toward this calculation? (Page 4)

On Page 7, open space descriptions are too restrictive. Item 5 concerns privacy fences. How can a fence be considered opaque if it is only 25 % opaque? She did not anticipate builders or homeowners using chicken wire or hurricane fences. Omit the entire internal privacy fence section.

On page 8 there is a problem with off site open space. Trails placed internally in the neighborhood will cause a tremendous liability to homeowners. Also, Item 3 on that page (protection of lowland areas) should be omitted. It is too vague.

On page 9, Item H pertains to trails. Trails connecting to the outside make for a wide open subdivision. What if the community is gated?

Also, a 60% greenway as suggested will bring in requests for waivers. You do not need large setbacks from external amenities such as tot lots.

We are requiring extra storm water treatment, but are also allowing horses.

We are an urban service area, not rural. Mr. Arndt said that 2 units per acre density is low.

We want to relax and delete some aspects of the report.

Sandy Bierly of Acorn Development said that the separation of recreation areas is not realistic. She also had questions on materials to be allowed for fencing. Fencing of wood looks horrible after a while. Greenway maintenance is very expensive. An example of this is a 30 acre development with a \$6,000. per month greenway maintenance fee.

Danny DeCiryen of 1581 Silk Tree Circle, Sanford, President of the North Lake Jesup Community, Inc., stated that due to the time involved, Commissioner McLain has requested a review by Mr. Arndt.

Public input was closed at this time.

Mr. Walter stated that some items had not been resolved at this time.

Commissioner Harris stated that this should be continued until Mr. Arndt had a chance to review the document.

Mr. Walter stated that he could take Commission comments to the BCC and then come back.

Commissioner Hattaway asked about the time constraints.

Mr. Walter stated that delays would put off property developments.

Commissioner Hattaway asked why Mr. Arndt had not reviewed this document prior to presenting it to this board.

Commissioner Tucker said that in the beginning this was a conservation village, then an urban conservation village, and now it is only the Myrtle Street area.

Mr. Walter stated that the BCC wants to see how this project goes.

Commissioner Tucker stated that the Arndt book Rural By Design pertains to areas more rural than here. Didn't Mr. Arndt say that the 2 units per acre density was acceptable? We are not looking at a generalized ordinance here. We are being asked to look at specific land with general comments. This is going beyond the scope of what we normally do.

Commissioner Dorworth said that incentives have been greatly reduced. With the limitations and the bureaucratic encumbrances, developers will be discouraged.

Commissioner Tucker made a motion to recommend approval.

Commissioner Peltz seconded the motion.

Commissioner Dorworth stated that he will be voting against the motion.

Commissioner Harris stated that he would also be voting against the motion. This is draconian.

Commissioner Tucker stated that this is beyond spot zoning.

Commissioner Bates asked if the Commissioners could move this item on without endorsement.

Karen Consalo, Assistant County Attorney stated that Commissioners could vote either way. The item will go on to the BCC.

Commissioner Tucker withdrew his motion.

Commissioner Hattaway made a motion to send the item to the BCC with the recommendation to deny it.

Commissioner Bates seconded the motion.

The motion passed unanimously (7 – 0).

URBAN CONSERVATION VILLAGE POLICIES FOR SPRING 2004 AMENDMENT CYCLE

OBJECTIVE FLU SPECIFIC AREA PLANS

Policy FLU 9.3 Myrtle Street Study Area Urban Conservation Village Development Concept

The County shall provide for creative design concepts focused on preservation of natural open spaces, sensitive lands and area character in the Myrtle Street Special Study area to:

- A. Maximize preservation of conservation areas and unique features of the site;
- B. Encourage creative design by clustering homes into "villages" surrounded by natural open spaces;
- C. Incorporate trail and pedestrian opportunities;
- D. Promote enhanced street systems resulting in reduced infrastructure and impervious surfaces;
- E. Provide for storm water conveyance and retention that exceeds on-site requirements;
- F. Allow for the ability to add density in Sub Area - 1 as depicted in Exhibit FLU: Myrtle Street Urban Conservation Village Area, up to an additional 1.0 dwelling unit per buildable acre, not to exceed a total of 2.0 dwelling units per buildable acre. To qualify for the additional density, at least 50% of the site must be preserved as common open space exclusive of wetlands, floodplains, and other elements protected from development. Further the applicant must connect to central water and sewer, provide an enhanced stormwater volume reduction and water quality treatment system by limiting post development stormwater discharge volumes to be no greater than pre development stormwater discharge volumes and provide water quality treatment at a level 50% greater than the current County and SJRWMD requirement, and shall develop and implement a restoration and management plan for the preserved open space; and
- G. Applied to tracts of land with the Suburban Estates land use designation.

**PRIVATE PROPERTY RIGHTS ANALYSIS
FOR THE
"CONSERVATION VILLAGE"
TEXT AMENDMENT TO THE SEMINOLE COUNTY COMPREHENSIVE PLAN**

Amendment to the Comprehensive Plan of Seminole County

The purpose of the text amendment is to facilitate a creative design concept focused on preservation of natural open spaces, sensitive lands and area character within planned unit developments in the Myrtle Street Special Area Study.

Zoning Standards

The proposed comprehensive plan text amendment will be implemented by amending the Seminole County Land Development Code. No new zoning category is proposed.

Estimate Economic Impact on Individuals, Businesses or Government

The direct economic impact upon property owners/ tax payers and citizens is to facilitate higher quality development, preserved natural open spaces and sensitive lands and potential higher property values.

Anticipated New, Increased, or Decreased Revenues

There is a potential of slightly higher County development review costs which may be offset by increased property tax revenues as a result of increased property values.

Estimated Impact upon Competition and the Open Market for Employment

There is not negative or positive impact upon competition and the open market for employment anticipated as a result of the proposed comprehensive plan text amendment.

Data and Method Used to Determine Analysis

County Staff met with County departments, neighborhood and interest groups to assess current and proposed comprehensive plan land use policies and thus determined the potential economic and private property rights impacts associated with these amendments.

Citation

This amendment does effect land development regulations or private property rights as described above and defined in Policy FLU 12.3 Evaluation of New Land Development Regulations, Seminole County Vision 2020 Comprehensive Plan, Page FLU – 50, July 2002

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.
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**ECONOMIC IMPACT STATEMENT
FOR THE
“URBAN CONSERVATION VILLAGE”
TEXT AMENDMENT TO THE SEMINOLE COUNTY COMPREHENSIVE PLAN**

Describe Project/Proposal

The proposed text amendment is to facilitate a creative design concept focused on preservation of natural open spaces, sensitive lands and area character in Sub Area-1 of the Myrtle Street Special Area Study as depicted in the attached Exhibit FLU: Myrtle Street Urban Conservation Village Area.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

The text amendment informs the County staff, potential developers and property owners about the measures to be considered if the Conservation Village design concept is used in the Myrtle Street area. The long term economic impact expected would be to preserve in terms of quality and quantity natural open spaces, sensitive lands and the area character by reducing direct development impacts and encouraging higher quality development.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers. Citizens who are Expected to be Affected

The direct economic impact upon property owners/ tax payers and citizens is to facilitate higher quality development, preserved natural open spaces and sensitive lands and potentially higher property values.

Identify Any Potential Indirect Economic Impacts, Positive or Negative Which Might Occur as a Result of the Project/Proposal

There is a potential of slightly higher County development review costs which may be offset by increased property tax revenues as a result of increased density and property values.

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.