

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: URBAN CONSERVATION VILLAGE ORDINANCE – 2ND Reading

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date <u>8/10/04</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. Deny the request to adopt the attached ordinance amending the Seminole County Land Development Code; or
4. Continue until a date certain

District – 5 McLain

Tony Walter, Assistant Planning Manager

BACKGROUND:

This is the second public hearing by the Board regarding this ordinance. The first hearing was held on July 27, 2004. Planning staff is requesting modifications to the Seminole County Land Development Code which includes creating the Urban Conservation Village Overlay Zoning Classification. In June the Board adopted a 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 which included specific requirements relating to density, stormwater, and conservation area. Staff has incorporated all the changes resulting from the first reading of the ordinance.

STAFF RECOMMENDATION:

Staff recommends that the BCC adopt the attached ordinance amending the Seminole County Land Development Code.

Reviewed by:	<u>REC</u>
Co Atty:	<u>REC</u>
DFS:	<u>AW</u>
Other:	<u>AW</u>
DCM:	<u>AW</u>
CM:	<u>AW</u>
File No.	<u>ph700pdp04</u>

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

Urban Conservation Village Ordinance
Comments from the July 27, 2004 Public Hearing,
Responses and Recommendations

Recommended amendments to the Ordinance are in bold with strikethroughs representing deletions and underlines representing additions. Page 5 is a summary of recommended amendments.

Definitions:

1. Clarify the difference between active and passive recreation. (Page-2)
 - a. Issue: What is the appropriate definition for active and passive recreation?
 - b. Mr. Arendt did not comment on this issue.
 - c. Staff recommendation: Amend the ordinance to add the following definitions. (Page-2)
 - i. 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.
 - ii. 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.

Setbacks:

1. Residential structures 140' from the center line of Myrtle Street (Page-5)
 - a. Issue: Limits the flexibility of design of design.
 - b. Mr. Arendt commented that this setback would prevent very good design. Infill conservation development should not necessarily be buffered from the street, unless the preservation areas are logical in that location as well.
 - c. Staff recommendation: Amend the ordinance to exclude privacy fences from the 140' setback for the Myrtle Street center line. (Page-5)
(1) Residential structures, excluding privacy fences, must be set at least 140 feet back from the center line of Myrtle Street.
 - i. The study process leading up to development of this ordinance, participants agreed and the BCC directed staff to maintain a large setback along Myrtle Street to maintain the rural character of the neighborhood.

- ii. Excluding privacy fences clarifies the ability of homeowners to place a privacy fence along the back of their property within the 140 foot setback.
- 2. Residential structures 35' back from the right-of-way line and from other external boundaries. (Page-5)
 - a. Issue: Limits the flexibility of design.
 - b. Mr. Arendt commented that if residential structures includes detached garages this is not necessarily a good design as it might force these structures into areas with resources that should be preserved. A 10-15 foot buffer with solid privacy fencing is adequate.
 - c. Staff recommendation: No change.
 - i. This setback is to preserve the rural character and insure homes along property boundaries have greater spacing from adjacent projects than is currently provided for in the Land Development Code.
- 3. Playing fields and courts shall be located at least 50 feet from all external boundaries and 140 feet from the center line of Myrtle Street. (Page-12)
 - a. Issue: Limits the flexibility of design.
 - b. Mr. Arendt did not comment on this issue. However his model code language recommends setting these uses 100 feet from external boundaries.
 - c. Staff recommendation: No change.
 - i. This setback is to insure the active recreational uses are internal to the project and do not encroach into exterior buffers

Buffers:

- 1. A buffer of at least 15-feet must be located along all external development boundaries (except for the boundary fronting on Myrtle Street). (Pages-5 & 6)
 - a. Issue: Insuring the project is adequately buffer to maintain rural character and openness of the neighborhood.
 - b. Mr. Arendt commented the 10 to 15 foot vegetated buffers with solid privacy fencing is a sensible requirement.
 - c. Staff recommendation: No change.

Density:

- 1. A density of up to two (2) units per net buildable acre. (Page-6)
 - a. Issue: Remove the words: "up to" to clarify that if the requirements of this ordinance are met the density is two (2) units per net buildable acre.
 - b. Mr. Arendt commented at his workshop that densities of 3 to 4 units per acre are appropriate in urban service areas.

- c. Staff recommendation: Amend the ordinance to delete the words up to. **(Page-6) (f) Notwithstanding the foregoing, a density of up to two (2) units per net buildable acre shall be permitted if all of the following conditions are met:**
 - i. The study process leading up to the development of this ordinance recommended a maximum of 2 dwelling units per net buildable acre if all requirements of the Comprehensive Plan Policy were met.

Greenways:

- 1. At least 60% of the residential lots abut, or be located across a street from, greenway land. (Page-7) and that 60% of the required greenway is in a single consolidated tract. (Page-9)
 - a. Issue: Limits flexibility of design.
 - b. Mr. Arendt did not comment on this issue. However he is an advocate of these concepts as illustrated in his writings, including Rural by Design.
 - c. Staff recommendation: No change.
 - i. This requirement is to insure that all of the lots are not clustered into one area of the project without the benefit of the views and feeling of being in a rural like setting.
- 2. Fence materials, opacity and privacy fences. (Page-7 & 8)
 - a. Issue: Natural materials, prohibition of solid privacy fences limits flexibility of design.
 - b. Mr. Arendt did not comment on this issue.
 - c. Staff recommendation: Amend the ordinance. **(Page 7 & 8) (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 any setback or buffer area abutting 120 feet of the of the Myrtle Street center line. That all fences be constructed from natural materials and be no greater than fifty percent (50%) opaque for external boundary fences and twenty-five (25%) opaque for internal privacy fences."**
 - i. The change permits privacy fences within the development and along lot lines that encroach up to 20 feet into the 140 foot setback from the Myrtle Street center line.
- 3. Connection of greenways and trails to adjacent properties. (Page-9)
 - a. Issue: Connecting to adjacent properties, passing internally within the development, poses a serious threat to safety of the residents and burdens the homeowners with an unreasonable liability.

- b. Mr. Arendt did not comment on this issue. However he is an advocate of this concept as illustrated in his writings, including Rural by Design.
 - c. Staff recommendation: No change.
 - i. Trails and open spaces accessible to persons outside a development do exist elsewhere. This requirement is essential to the development of a village/neighborhood atmosphere identified as a community desire during the study process.
4. Permitted Greenway Uses. (Page-12)
- a. Issue: Can non-commercial active recreational uses be permitted in the Greenway area and be counted as part of the 50% open space requirement? Particularly playing fields, basketball and tennis courts and community pools.
 - b. Mr. Arendt did not comment on this issue. However his model code language includes "playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or 5-acres, whichever is less."
 - c. Staff recommendation: Amend the ordinance. **(Page-12) (3) Neighborhood recreation areas, such as playing fields, 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 counted toward more than one (1) acre or twenty (20) percent, which ever is less, of the minimum greenway area requirement.**
 - i. Common recreation areas are part of building a neighborhood atmosphere. By limiting the active recreational uses to a relatively small part of the required greenway area the intent of preserving large open spaces for passive uses, stormwater and natural vegetation is maintained. Allowing a community pool also reduces the demand for private pools, thus reducing the amount of non-pervious.

SUMMARY OF RECOMMENDED AMENDMENTS:

A. (Page-2)

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.

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.

B. (Page-5)

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

C. (Page-6) (f) Notwithstanding the foregoing, a density of up to two (2) units per net buildable acre shall be permitted if all of the following conditions are met

D. (Page 7 & 8) (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 any setback or buffer area abutting 120 feet of the of the Myrtle Street center line. That all fences be constructed from natural materials and be no greater than fifty percent (50%) opaque for external boundary fences and twenty-five (25%) opaque for internal privacy fences.”~~

E. (Page-12) (3) Neighborhood recreation areas, such as playing fields, 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 counted toward more than one (1) acre or twenty (20) percent, which ever is less, of the minimum greenway area requirement.

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

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:

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.

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 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 up to 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 (½) 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 any setback or buffer areas abutting Myrtle Street.

That all fences be constructed from natural materials and be no greater than fifty percent (50%) opaque for external boundary fences and twenty-five percent (25%) opaque for internal privacy fences.

(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 counted toward 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 ____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN

URBAN CONSERVATION VILLAGE POLICIES FOR SPRING 2004 AMENDMENT CYCLE

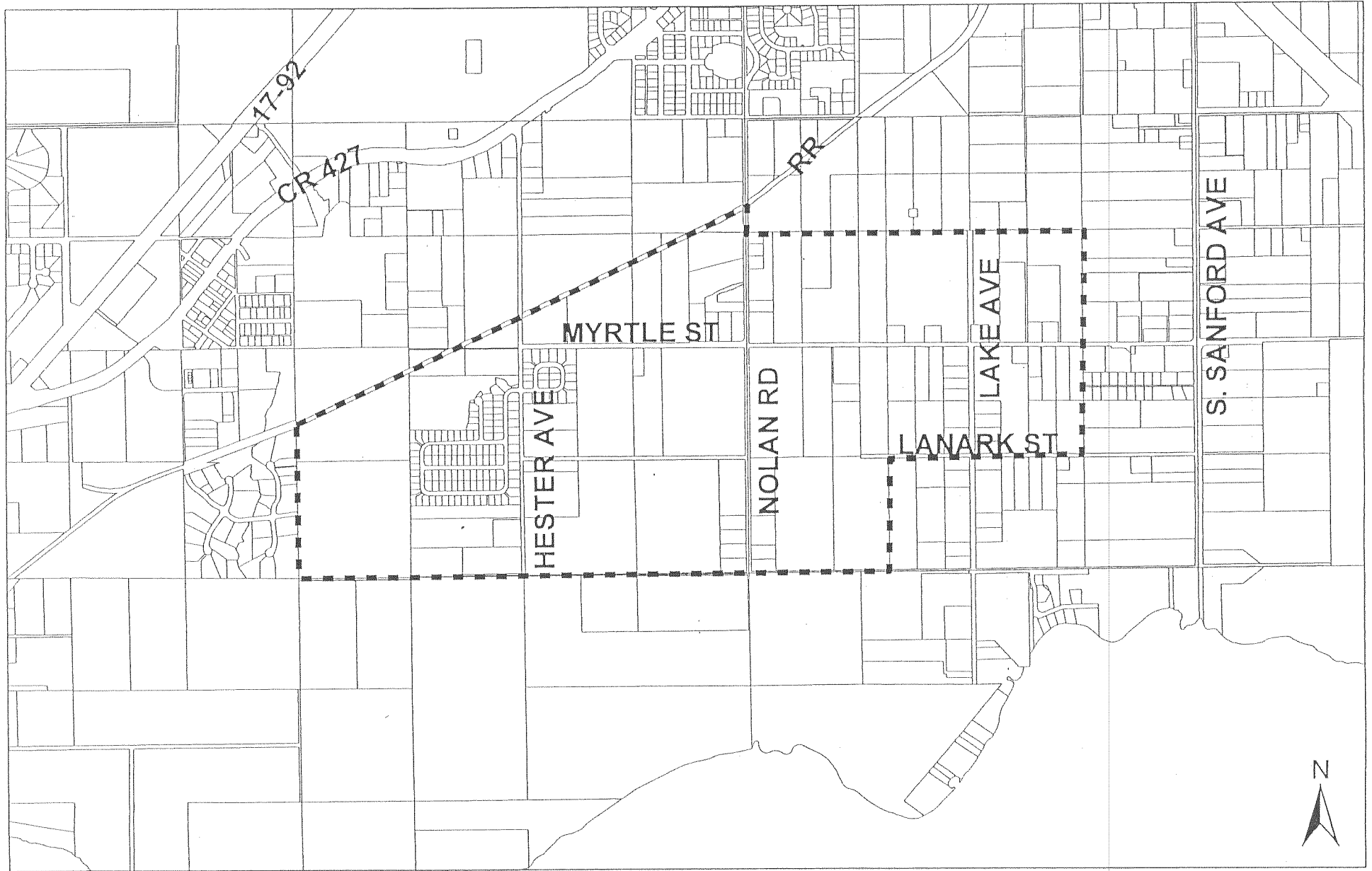
OBJECTIVE FLU SPECIFIC AREA PLANS

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.

MYRTLE STREET CONSERVATION VILLAGE AREA



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.

P:/Conservation Village/PRIVATE PROPERTY RIGHTS ANALYSIS:doc

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.