

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Request to schedule and advertise Public Hearings to amend existing provisions of the Land Development Code of Seminole County (LDC), and to adopt new provisions to the LDC to implement the requirements of the Wekiva Parkway and Protection Act

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tony Matthews **EXT.** 7936

Agenda Date <u>11/07/06</u>	Regular <input checked="" 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 type="checkbox"/>	

MOTION/RECOMMENDATION:

Authorize the Planning and Development Director to schedule and advertise Public Hearings for the Planning and Zoning Commission and Board of County Commissioners, to amend existing provisions of the Land Development Code of Seminole County (LDC), and to adopt new provisions to the LDC to implement the requirements of the Wekiva Parkway and Protection Act.

(Unincorporated Seminole County)

(Tony Matthews, Principal Planner)

BACKGROUND:

In 2005 and 2006, the County adopted text amendments to the Seminole County Comprehensive Plan (the "Plan") which created Plan policies to implement provisions of the "Wekiva Parkway and Protection Act" (the "Act", Part III, Chapter 369, Florida Statutes). Section 369.321(6) of the Act requires local governments to amend their land development regulations no later than January 1, 2007, to create land development regulations that implement these Plan policies. The attached ordinance amends existing provisions of the LDC, and creates new provisions to implement the requirements of the Act (see Staff Findings for additional details).

STAFF RECOMMENDATION:

Staff recommends Board authorization for the Planning and Development Director to schedule and advertise Public Hearings for the Planning and Zoning Commission and Board of County Commissioners, to amend existing provisions of the Land Development Code of Seminole County (LDC), and to adopt new provisions to the LDC to implement the requirements of the Wekiva Parkway and Protection Act, with staff findings.

Reviewed by:	<u>KL</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
Others:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>rpdp01</u>

STAFF FINDINGS:

A. The proposed amendments to the LDC apply to lands within the Wekiva River Protection Area and the Wekiva Study Area created by the Wekiva River Protection Act (1988) and the Wekiva Parkway and Protection Act (2004).

These new LDC provisions will:

1. Provide a definition of open space unique to the Wekiva River Protection Area and Wekiva Study Area.
2. Ensure protection of karst features and sensitive natural habitat areas.
3. Prohibit discharging of untreated water from a development site directly into karst features or natural water bodies.
4. Prohibit applying fertilizers, pesticides, and herbicides in range of karst features or natural water bodies.
5. Provide additional protection of most effective recharge areas.

B. The proposed LDC amendments will implement, and are consistent with, the Wekiva River Protection Act, Wekiva Parkway and Protection Act, and the Vision 2020 Seminole County Comprehensive Plan.

Attachments:

- Proposed Ordinance
- Private Property Rights Analysis
- Economic Impact Statement
- Future Land Use Map depicting the Wekiva River Protection Area and Wekiva Study Area (for reference only)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE AND DEALING WITH PROTECTION OF COMMUNITY CHARACTER AND PROTECTION OF NATURAL RESOURCES WITHIN THE WEKIVA RIVER PROTECTION AREA; CLARIFYING WEKIVA RIVER PROTECTION AREA ENVIRONMENTAL DESIGN STANDARDS; ADDING WEKIVA STUDY AREA ENVIRONMENTAL DESIGN STANDARDS; ADDING WEKIVA STUDY AREA ENVIRONMENTAL DEVELOPMENT STANDARDS; REQUIRING CONSERVATION EASEMENTS FOR PROTECTION OF NATURAL RESOURCES; ADDING WEKIVA RIVER PROTECTION AREA ENVIRONMENTAL DESIGN STANDARDS; DEFINING KARST FEATURES, SENSITIVE NATURAL HABITAT, AND CLEARING AND CONSTRUCTION SETBACK; PROVIDING FOR KARST FEATURES PROTECTION; PROVIDING FOR SENSITIVE NATURAL HABITAT PROTECTION; PROVIDING FOR OPEN SPACE PROTECTION; PROVIDING FOR PROTECTION OF MOST EFFECTIVE RECHARGE AREAS; REPEALING PART 53; AMENDING SECTIONS 30.1101, 30.1102, 30.1105, 30.1109, 30.1110, 30.1111, 30.1112, 30.1113, 30.1114; ADDING SECTIONS 30.1107, 30.1108, AND 30.1115; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has followed procedures set forth in Part II, Chapter 163, Florida Statutes, to amend the Seminole County Comprehensive Plan to comply with the requirements of Part III, Chapter 369, Florida Statutes, known as the "Wekiva Parkway and Protection Act"; and

WHEREAS, Part III, Chapter 369, Florida Statutes, requires local governments to adopt land development regulations no later than January 1, 2007, to implement the comprehensive plan provisions of the Wekiva Parkway and Protection Act; and

WHEREAS, the Board has an exemplary record of adopting land development regulations that protect the community character and natural resources within the Wekiva River Protection Area, as established by the "Wekiva River Protection Act"; and

WHEREAS, the Board desires to further amend the Land Development Code of Seminole County to protect natural resources on within the "Wekiva Study Area", as established by the Wekiva Parkway and Protection Act; and

WHEREAS, the County has prepared a Private Property Rights Analysis relating to this Ordinance and has made the analysis available for public review in accordance with the requirements of the Seminole County Comprehensive Plan; and

WHEREAS, the County has prepared an Economic Impact Statement relating to this Ordinance and has made the Statement 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. Repeal of Part 53, Wekiva River Protection Act. Part 53, Land Development Code of Seminole County, is repealed, as follows:

~~Sec. 30.1001. Wekiva River Protection Act provisions. Seminole County shall evaluate and regulate all development within the Wekiva River Protection Area as defined in Section 369.303(9), Florida Statutes, or its successor~~

~~provision, to ensure consistency with the said Act, the provisions of the Seminole County Comprehensive Plan adopted to conform to said Act and the designated protection zones as required by the Act and defined by Chapter 40C, Florida Administrative Code, including coordination with appropriate agencies as necessary. (Part XXXII, § 1, Ord. No. 92-5, 3-30-92). (Ord. No. 2006-, 12-12-06).~~

~~Sec. 30.1002. Determination of protection area/zone boundaries.~~

~~When a proposed development relates to real property located in or near the edge of a designated protection zone as designated by the Wekiva River Protection Act and as defined by Chapter 40C, Florida Administrative Code, the applicant shall submit proof of compliance with all agency regulations applicable to the subject property in conformance with the Act, or proof of exemption thereto. Such proof of compliance or exemption shall be required prior to the issuance of such permits by the County. (Part XXXII, § 2, Ord. No. 92-5, 3-30-92) (Ord. No. 06-, 12-12-06).~~

Secs. 30.1003-30.1020. Reserved.

Section 2. Amendments to Part 58, Wekiva River Protection-Seminole Estates Overlay Zoning. Part 58, of the Land Development Code of Seminole County, is amended to read as follows:

PART 58. WEKIVA RIVER PROTECTION-SEMINOLE ESTATES OVERLAY ZONING

DIVISION 1. GENERALLY

Sec. 30.1101. Title.

This part shall be known and may be cited as the "Wekiva River Protection-Seminole Estates Overlay Zoning Classification Ordinance".
(Ord. No. 00-28, § 1, 6-13-00; Ord. No. 06-, 12-12-06).

Sec. 30.1102. Creation of Seminole Estates overlay zoning classification.

In addition to, and supplemental to, all Land Development Code requirements, land development regulations, and underlying and overlaid zoning classifications heretofore or hereafter established, there is hereby created an

overlay zoning classification known as the "Wekiva River Protection--Seminole Estates Overlay Zoning Classification". The Wekiva River Protection-Seminole Estates Overlay Zoning Classification set forth in this part is applicable to all property located within the land use regulatory jurisdiction of the County and within the Seminole Estates development. For purposes of this part, "Seminole Estates" shall refer to the development and development plans approved by the Board of County Commissioners by separate resolutions dated September 26, 1978 and January 8, 1980, and the lots existing within that development on June 1, 2000, which is one hundred and seven (107) lots, and further depicted in the Future Land Use Element described by figure 2.9 of the Seminole County Comprehensive Plan ~~a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.~~ For purposes of this part, the term "lot" shall refer to the one hundred seven (107) individual lots existing within Seminole Estates on June 1, 2000.

(Ord. No. 00-28, § 1, 6-13-00; Ord No. 06-, 12-12-06).

Sec. 30.1103. Statement of purpose.

The purpose of the Seminole Estates Overlay Zoning Classification is to discourage the platting or replatting of lots within Seminole Estates if said platting or replatting would increase the number of lots on the property that is the subject of any development application greater than the number of lots existing on June 1, 2000. This part shall further operate to prohibit the County from issuing development orders and development permits in Seminole Estates if the proposed development order or development permit would increase the number of lots on the property that is the subject of the development order or development permit application greater than the number of lots existing on June 1, 2000. This part shall be applied and interpreted as to preserve the existing density of Seminole Estates at one (1) permitted dwelling unit per lot and to insure that the total number of lots in Seminole Estates shall not exceed one hundred seven (107).

(Ord. No. 00-28, § 1, 6-13-00).

Sec. 30.1104. Applicability.

(a) Except as otherwise provided herein, all development within Seminole Estates shall comply with and shall be accomplished in accordance with the requirements of this part.

(b) The provisions of this part shall not be applicable to projects that have received an unexpired County approved site plan, an unexpired County approved preliminary subdivision plat or an unexpired waiver of subdivision requirements on or before the effective date of this part and that have lawfully commenced and are proceeding in good faith in the development approval process in accordance with the Land Development Code of Seminole County. (Ord. No. 00-28, § 1, 6-13-00).

Sec. 30.1105. Seminole Estates land development regulations.

(a) *Prohibition on Ssubdivision.*

Owners of property within Seminole Estates shall not be eligible to subdivide their lot or lots through any process provided in the Land Development Code if approval of the request would increase the number of lots on the property that is the subject of any development application greater than the number of lots existing on June 1, 2000.

(b) *Development Oorders and Ddevelopment Ppermits.*

The County shall not approve an application for a development order or development permit if the approval would increase the number of lots on the property that is the subject of the application greater than the number of lots existing on June 1, 2000.

(Ord. No. 00-28, § 1, 6-13-00; Ord. No. 06-, 12-12-06).

Sec. 30.1106. Presumption against intensification.

Within Seminole Estates, an application for a development order or development permit that may result in an increase in the number of lots on the property that is the subject of the application shall be presumed inconsistent with the Seminole County Ceomprehensive Pplan's objectives, goals and policies relative to the Wekiva River Protection Act and inconsistent with the Wekiva River Protection Act's mandate to maintain the Wekiva River Protection Area's rural character in the aggregate.

(Ord. No. 00-28, § 1, 6-13-00; Ord. No. 06-, 12-12-06).

DIVISION 2. WEKIVA RIVER PROTECTION AREA ENVIRONMENTAL DESIGN STANDARDS

Sec. 30.1107. Title and Legislative Findings.

This ordinance part shall be known and may be cited as the "Wekiva River Protection Area Environmental Design Standards".

(Ord. No. 02-20, § 1, 4-23-02; Ord. No. 06-, 12-12-06).

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The Seminole County Comprehensive Plan (SCCP) provides for the protection and maintenance of the natural landscape within the Wekiva River Protection Area.

(b) The visual character of the landscape defines the rural landscape and community character of the Wekiva River Protection Area.

(c) The natural resources within the Wekiva River Protection Area, are important resources that contribute to the quality of life in Seminole County.

(d) Agricultural activities within the Wekiva River Protection Area are important historical, cultural and economic resources that contribute to the quality of life in Seminole County.

(Ord. No. 02-20, § 2, 4-23-02; Ord. No. 06-, 12-12-06).

Sec. 30.1108. Purpose and intent.

The purpose of this part Ordinance is to guide the design and location of development to provide protection of on site habitat, wildlife and wildlife corridors and to insure that the Wekiva River Protection Area is developed in a manner which:

(a) Provides uniform design standards to establish high quality development that is rural in character; and

(b) Maintains existing vegetation within the Wekiva River Protection Area of Seminole County; and

(c) Protects the wetlands systems of the Wekiva River Protection Area of Seminole County; and

(d) Provides for minimization of disturbance to listed species and their habitats within the Wekiva River Protection Area of Seminole County; and

(e) Implements, and is consistent with, the Comprehensive Plan of Seminole County.

(Ord. No. 02-20, § 3, 4-23-02; Ord. No. 06-, 12-12-06).

Sec. 30.1109. Applicability.

All new development or re-development, excluding single family lots existing on the effective date of this part Ordinance and except as may be otherwise provided for in this part ordinance, within the Wekiva River Protection Area and outside the East Lake Sylvan Lake Transitional Area/School Site, as depicted in the Future Land Use Element of the Seminole County Comprehensive Plan, including, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, or federal government, shall be carried out in accordance with the requirements of this part Ordinance, in addition to the requirements of any other applicable provisions of the Seminole County Land Development Code. (Ord. No. 02-20, § 4, 4-23-02; Ord. No. 06-, 12-12-06).

Sec. 30.1110. Definitions.

As used in this part Ordinance, certain words and phrases shall mean the following:

"Upland Buffer" refers to an area averaging fifty (50) feet landward of the wetland and/or flood prone area which at no point is less than twenty-five (25) feet, which shall remain undisturbed by development.

"Greenways" refers to linear lands that provide important corridors or linkages between non-contiguous natural areas.

"Wildlife corridors" refers to greenways that are known passages of travel for wildlife.

"Karst features" refers to such features as sinkholes, depressions and stream-to-sink features caused by the dissolution of the rock. Karst features include, but are not limited to, the following: cave, cavern, cavernous porosity, chimney sink, collapsed sinkhole, conduit, cover-collapse sinkhole, cover-subsidence sinkhole, estavelle, exurgence, grotto, karst window, karstic aquifer, paleokarst, paleosinkhole, pipe, polje, ponor, relict sinkhole, rock-collapse sinkhole, sand boil, seep, sinkhole, solution sinkhole, spring, spring boil, spring pool, subaqueous spring, uvala, vent.

"Open Space" as defined in FLU Policy 15.1 of the Seminole County Comprehensive Plan.

"Sensitive Natural Habitat" as defined in FLU Policy 15.2 of the Seminole County Comprehensive Plan.

"Clearing and Construction Setback" refers to the space between the property line of a lot or parcel and the stated setback distance, in this part fifty (50) feet, to protect sensitive natural habitat areas, and karst feature from the impacts of development activities.

(Ord. No. 06-, 12-12-06).

Any terms not defined herein shall be subject to the definitions of the Land Development Code of Seminole County, Florida.

(Ord. No. 02-20, § 5, 4-23-02; Ord. No. 06-, 12-12-06).

Sec. 30.1111. Wekiva River Protection Area Environmental Design Standards.

(a) *Arbor Protection.*

(1) Upon submittal of a site-plan, subdivision application, building permit, or any other application which proposes development within the Wekiva River Protection Area and outside of the East Lake Sylvan Lake Transitional Area/School Site, a tree survey that is compliant with Chapter 60 of the Land Development Code of Seminole County shall be submitted for verification of compliance by the County's ~~Natural Resource Officer~~ Development Review Division Manager or designee. Development shall demonstrate that at least fifty (50) percent of the trees located within the developable areas of a site, including areas subject to residential platting that are not single-family residential lots existing on the effective date of this part Ordinance, are preserved on site.

(2) When fifty (50) percent of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented that shall require an increasing number of replacement trees based upon the size of a removed tree's caliper, in accordance with Chapter 60 of the Land Development Code of Seminole County.

(3) Replacement trees shall be native species as listed in Ssection 60.23 30.1228(b) of the ~~Seminole County~~ Land Development Code of Seminole County and planted on site in common areas and along streets. Replacement trees, at time of planting, shall have a minimum diameter of four (4)

inches at one (1) foot above ground level and a height of at least eight (8) feet.

(4) Single family residential lots with less than fifty (50) percent remaining native vegetation that are platted after the effective date of this part Ordinance shall demonstrate at the time of permitting that existing trees and native vegetation shall be maintained to the greatest extent possible.

(b) *Protection of Wetlands and Flood Prone Areas.*

(1) An upland buffer averaging fifty (50) feet but no less than twenty-five (25) feet in width shall be maintained on lands adjoining the Conservation land use designation, the FP-1 or W-1 zoning classification, or properties which have been previously designated as conservation areas or conservation easements.

(2) Development activity, including the placement or depositing of fill, within wetlands and the one hundred (100) year floodplain (as adopted by FEMA or revealed by the best available data) shall be prohibited.

(3) If lots are platted into wetlands or associated upland buffers, signage demarking the boundary of the said buffers and wetlands shall be used to deter encroachment. The homeowners association shall be required to adopt covenants which protect such areas from any activity by the residents. Violators shall be subject to standard code enforcement procedures.

(4) Seminole County shall evaluate and regulate all development within the Wekiva River Protection Area as defined in Section 369.303(9), Florida Statutes, or its successor provision, to ensure consistency with the said Act, the provisions of the Seminole County Comprehensive Plan adopted to conform to said Act and the designated protection zones as required by the Act, including coordination with appropriate agencies as necessary.

(5) When a proposed development relates to real property located in or near the edge of a designated protection zone, as designated by the Wekiva River Protection Act, the applicant shall submit proof of compliance with all agency regulations applicable to the subject property in conformance with the Act, or proof of exemption thereto.

Such proof of compliance or exemption shall be required prior to the issuance of such permits by Seminole County.

(c) *Clustering and the Planned Unit Development (PUD).*

~~(1)~~ On property having the Suburban Estates land use designation, the use of Planned Unit Development ("PUD") zoning may only be permitted if the Planning Manager and the Natural Resources Officer verify that a greater protection of wetlands, rare upland habitat, greenways, or wildlife corridors can be achieved by clustering. Natural features that may be protected using PUD zoning include, but are not be limited to, floodprone areas, karst features, most effective recharge areas, or other environmentally sensitive natural habitat.

~~(2) PUD'S approved within the Wekiva River Protection Area shall be required to permanently protect natural resources by dedicating such areas as conservation easements to at least two (2) of the following entities:~~

~~(A) St. Johns River Water Management District, or~~

~~(B) The homeowners association, or~~

~~(C) Seminole County.~~

(d) *Protection of Listed Species.*

(1) As a condition for development approval or PUD rezoning, applicants shall be required to complete a survey of plants and wildlife including those species designated as endangered, threatened, or species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, utilizing the most current wildlife methodology guidelines published by the Florida Fish and Wildlife Conservation Commission ("FFWCC") and current information from the Florida Natural Areas Inventory.

(2) Protection of listed species shall be accomplished either through on-site preservation or through relocation within the Wekiva River Protection Area in accordance with a plan acceptable to, and permitted by, the Florida Fish and Wildlife Conservation Commission. Incidental taking of listed species shall not be permitted unless the FFWCC determines that a particular group of animals on the site cannot be relocated or benefited by on-site preservation due to disease. Should such a determination be made by the

FFWCC, any incidental taking must be expressly and specifically approved by the County's Natural Resources Officer.

(3) If a listed species is determined to exist on a site, the following shall apply in order of priority:

(A) The developer/applicant must accomplish development in such a fashion as to avoid the habitat of the listed species; or

(B) The developer/applicant must prove to the County's Natural Resources Officer that it is not possible to avoid the habitat of said species and achieve the approved net density, and then relocate the species on site to equally suitable habitat consistent with guidelines published by the Florida Fish and Wildlife Conservation Commission; or

(C) The developer/applicant must prove to the County's Natural Resources Officer via site analysis that development cannot be accomplished to the approved net density by utilization of on-site relocation of said species, in which case as a final option, only the number of individuals of said species necessary to allow development to occur may be relocated off site. Additional individuals may be relocated off site if it can be demonstrated to the County's Natural Resources Officer that remaining individuals of said species would not constitute or remain part of a viable population. Relocation must take place within the Wekiva River Protection Area with preference given to properties adjacent or close to the donor site.

(Ord. No. 02-20, § 6, 4-23-02).

~~Sec. 30.1115. Reserved.~~

(e) Wekiva Study Area Environmental Design Standards

In addition to the provisions contained in DIVISION 2 (WEKIVA RIVER PROTECTION AREA ENVIRONMENTAL DESIGN STANDARDS) of this part, development activities must also comply with the provisions contained in DIVISION 3 (WEKIVA STUDY AREA ENVIRONMENTAL DESIGN STANDARDS) of this part.

(Ord. No. 06-, 12-12-06).

DIVISION 3. WEKIVA STUDY AREA ENVIRONMENTAL DESIGN STANDARDS

(Ord. No. 06-, 12-12-06).

Sec. 30.1112. Title and Legislative Findings.

This part shall be known and may be cited as the "Wekiva Study Area Environmental Design Standards".

(Ord. No. 06-, 12-12-06).

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The Seminole County Comprehensive Plan provides for the protection and maintenance of the natural landscape within the Wekiva Study Area.

(b) The numerous natural resources, including groundwater resources, within the Wekiva Study Area, are important resources that contribute to the quality of life in Seminole County.

(Ord. No. 06-, 12-12-06).

Sec. 30.1113. Purpose and intent.

The purpose of this part is to guide the design and location of development within the Wekiva Study Area in a manner which:

(a) Provides uniform design standards to establish high quality development.

(b) Maintains existing flora and fauna.

(c) Allows for effective and innovative planning and development activities.

(d) Protects the natural resources, including, but not limited to, wetlands systems, karst features, sensitive natural habitat, groundwater resources, aquifer recharge areas, springs, and springsheds.

(e) Provides for minimization of disturbance to listed species and their habitats.

(f) Implements, and is consistent with, the provisions of the Wekiva Parkway and Protection Act.

(g) Implements, and is consistent with, the Seminole County Comprehensive Plan.

(Ord. No. 06-, 12-12-06).

Sec. 30.1114. Applicability.

All new development or re-development, excluding single family lots existing on the effective date of this part, except as may be otherwise provided for in this part, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, or federal government, shall be carried out in accordance with the requirements of this part, in addition to the requirements of any other applicable provisions of the Land Development Code of Seminole County.

(Ord. No. 06-, 12-12-06).

Sec. 30.1115. Environmental development standards.

(a) Karst Features Protection.

(1) A clearing and construction setback of a minimum of fifty (50) feet from karst features is required. Clearing within the setback to stimulate canopy growth is permitted. Routine maintenance shall be permitted within the fifty (50) foot setback, outside of the natural buffer. Routine maintenance is limited to mowing of grass, and removal of underbrush and dead trees.

(2) A minimum twenty-five (25) feet, average fifty (50) feet upland buffer, in the aggregate, within the development site, adjacent to karst features is required. Buffers shall remain natural and undisturbed.

(3) Fertilizers, pesticides, and herbicides shall be U.S. Government approved, and shall not be applied within fifty (50) feet of karst features, or natural water bodies.

(4) Discharging of untreated water from a development site directly into karst features or natural water bodies shall be prohibited. Karst features, including sinkholes with a direct connection to the aquifer and stream-to-sink features, shall not be utilized as stormwater management facilities. Vegetative swales, bio-retention, or other treatment methods, as approved by the Development Review Manager, may be installed to ensure minimal treatment of discharge into karst features and/or natural water bodies.

(5) Where an existing lot/parcel of record is too small to accommodate a fifty (50) foot clearing and building setback and/or natural buffer as required in this part, the allowable use may be established provided that the building

and associated paved areas are situated on a development site the greatest distance practicable from the karst features, and further provided that a swale and berm are located between the development and the karst feature. The swale and/or berm shall be designed to direct drainage away from the karst feature, and approved by the Development Review Manager.

(6) Karst features, and the required natural buffer, shall be placed in a conservation easement pursuant to Sec. 30.1123.

(7) An applicant may object to the designation of karst features by providing demonstration through competent expert evaluations of hydrological and/or geotechnical data to the Development Review Manager that the land does not contain karst features as identified in this part.

(b) Sensitive Natural Habitat Protection.

(1) A clearing and building construction setback of a minimum of fifty (50) feet from sensitive natural habitat areas, as defined in this part, is required.

(2) Where an existing lot/parcel of record is too small to accommodate a fifty (50) foot clearing and building setback as required in this part, the allowable use may be established provided that the building and associated paved areas are situated on a development site the greatest distance practicable from the sensitive natural habitat feature, and approved by the Development Review Manager.

(3) Sensitive natural habitat areas shall be placed in a conservation easement pursuant to Sec. 30.1123.

(4) An applicant may object to the designation of sensitive natural habitat by providing demonstration through competent expert evaluation of biological data to the Development Review Manager that the land does not contain sensitive natural habitat as identified in this part. If the Development Review Manager concurs with the evaluations submitted by the applicant, these provisions shall not apply to the subject land.

(c) Open Space Protection.

(1) Open space areas shall be physically connected, whenever practicable, when spread throughout a development site.

(2) Development shall preserve conservation areas via enforcement of the W-1 (Wetlands) and FP-1 (Floodprone) zoning classifications pursuant to Sections 30.981 and 30.961, of this Code.

(3) Development shall meet the open space ratios and open space credit provisions established in Section 30.1344.

(4) Development shall use joint or shared access and stormwater facilities to minimize impervious surfaces, as determined by the Development Review Manager.

(d) Protection of Most Effective Recharge Areas.

(1) Development shall comply with the standards for the most effective recharge areas, as defined in the Aquifer Recharge Overlay Zoning Classification of Section 30.1021. For the purposes of this part, all properties identified as containing Type "A" Hydrologic Soils Group, as defined by the U.S. Soil Conservation Service, shall be subject to the standards of the Aquifer recharge Overlay Zoning Classification of Part 54.

(2) All residential development shall use swales with swale blocks or raised driveway culverts, except when soil, topography, or seasonal high water conditions are inappropriate for infiltration as determined by a County Professional Engineer licensed in the State of Florida.

(3) Vegetated infiltration areas shall be used to provide stormwater treatment and management on all sites, except when soil, topography, or seasonal high water conditions are inappropriate for infiltration as determined by a County Professional Engineer licensed in the State of Florida.

(4) Design of the stormwater systems for residential and commercial uses shall use bio-retention areas (below grade vegetated areas) to increase stormwater treatment and reduce stormwater volume. Downspouts for both residential and commercial development shall be directed from the roof to vegetated areas for uptake.

(e) Conservation Easements.

Where easements are required by the County for protection of wetlands, floodprone areas, open space, karst features,

or sensitive natural habitat, within this part, these shall be dedicated to at least one (1) of the following entities:

(1) St. Johns River Water Management District; or

(2) The homeowners association; or

(3) Seminole County.

(f) Wekiva River Protection Area Environmental Design Standards

In addition to the provisions contained in DIVISION 3 (WEKIVA STUDY AREA ENVIRONMENTAL DESIGN STANDARDS) of this part, development activities must also comply with the following provisions contained in DIVISION 2 (WEKIVA RIVER PROTECTION AREA ENVIRONMENTAL DESIGN STANDARDS) of this part:

(1) Sec. 30.1110. Definitions.

(2) Sec. 30.1111(b), (c), and (d).

Sec. 30.1123. Conservation Easements

Section 3. 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 4. 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 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 12TH day of December 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY,
Chairman