

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Text Amendments to Include Existing Wekiva River Protection Area (WRPA) Policies in the Conservation and Future Land Use Elements of the Comprehensive Plan (Vision 2020 Plan), Seminole County, Applicant

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Cathleen Consoli **EXT.** 7377

Agenda Date: <u>12/14/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

- ADOPT** an ordinance that includes the proposed text amendments to the Conservation Element and the Future Land Use Element of the Seminole County Comprehensive Plan (Vision 2020 Plan), based on staff findings(1); or
- DENY** the proposed text amendment(s) to the Conservation Element and the Future Land Use Element of the Seminole County Comprehensive Plan (Vision 2020 Plan)
- CONTINUE** this item to a date and time certain.

(District: County-wide) (Cathleen Consoli, Senior Planner)

(1) For the record: A motion to adopt a plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of this large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle

BACKGROUND:

The Recreation and Open Space Element of the Seminole County Comprehensive Plan (Vision 2020 Plan) contains a policy that provides a minimum 200 foot clearing and building setback shall be set along major rivers in the County. This policy will be repeated in both the Conservation Element and the Future Land Use Element within the existing policies addressing the Wekiva River Protection Area (WRPA).

These two Elements are the logical location for policies that guide development along the Wekiva River. The proposed amendments will group the Wekiva policies and allow citizens, developers and others interested in the area to see related policies more easily. The amendments do not change any existing goals, policies or objectives within the Vision 2020 Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendment through

Reviewed by:	<u>LR</u>
Co Atty:	<u>LR</u>
DFS:	<u>MM</u>
Other:	<u>ST</u>
DCM:	<u>ST</u>
CM:	<u>LR</u>
File No.	<u>ph130pdp07</u>

Staff recommends approval of the proposed text amendment through the adoption of the blanket ordinance referenced above.

Attachments: Proposed Policies
Private Property Analysis
Economic Impact Statement
Notice of Amendment Ordinance

ATTACHMENT: PROPOSED POLICIES

Existing policy as reference – Policy REC 7.3 Wekiva and Econlockhatchee River Protection Zone

The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River, and Econlockhatchee River and such other water bodies as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas, to serve as a scenic and environmental buffer to maintain the status quo of the natural environment and prevent public harms.

Proposed additions are underlined.

Amendment 04F.TXT02.1 – Future Land Use Element

Policy FLU 14.9 Wekiva River Protection Area Environmental Design Standards.

A In order to further the protection of natural resources as required by the Wekiva River Protection Act, the County shall, by December 31, 2000, enact land development regulations as necessary to implement the following policies that shall apply to properties located within the Wekiva River Protection Area and outside of the East Lake Sylvan Transitional Area:

1 Development design shall demonstrate that at least fifty percent (50 %) of the trees located within the developable areas of a site, including areas subject to residential platting, are preserved on site. It is the intent of this policy to guide the design and location of development to provide protection of on site habitat, wildlife and wildlife corridors. When fifty percent (50 %) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper. Replacement trees are required to be native species and planted on site in common areas and as street trees. Construction methods that reduce the necessity for removing trees shall be encouraged.

2 An upland buffer averaging fifty feet (50') but no less than twenty-five feet (25') in width shall be maintained surrounding areas assigned the Conservation land use designation or the FP-1 or W-1 zoning classification or properties which have been designated as conservation areas or conservation easements. Development activity, including the placing or depositing of fill, within wetlands and the one hundred (100) year floodplain (as adopted by FEMA) shall be prohibited.

3 The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas, to serve as a scenic and environmental buffer to maintain the status quo of the natural environment and prevent public harms.

4 Preservation of property within the Wekiva River Protection Area consisting of wetlands, rare upland habitat, greenways, listed species and their habitat, and wildlife corridors shall be encouraged through the clustering of dwelling units with the goal of permanently preserving these unique open spaces. The County shall consider, if offered, accepting conservation easements over preserved property for the purpose of maintaining ecologically significant wetlands, habitat, greenways, corridors and listed species.

Amendment 04F.TXT02.2 – Conservation Element

Policy CON 2.5 Wekiva River

A The County shall continue to manage and regulate development along the Wekiva River to ensure its continued designation as an Outstanding Florida Water Body and Wild and Scenic River, and shall continue to ensure that all development maintains consistency with the Wekiva River Protection Act. (See Future Land Use Element for other policies relating to the Wekiva River).

B The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas, to serve as a scenic and environmental buffer to maintain the status quo of the natural environment and prevent public harms.

Seminole County PRIVATE PROPERTY RIGHTS ANALYSIS

Date:	12/14/04	Dept/Div:	P&D/Planning Division
Contact:	Cathleen Consoli	Phone Ext:	407-665-7377
Action:	Ordinance amending the Comprehensive Plan on 12/14/04		
Topic:	Text Amendments to Include Existing Wekiva River Protection Area (WRPA) Policies in the Conservation and Future Land Use Elements of the Comprehensive Plan (Vision 2020 Plan)		

Describe Project/Proposal

The County is proposing to amend the Vision 2020 Seminole County Comprehensive Plan by incorporating an existing policy of the Recreation and Open Space Element into the Conservation and Future Land Use Element regarding the Wekiva River

The purpose of this amendment is to clarify and reinforce an existing policy regarding the protection of the Wekiva River.

Estimated Economic Impact on Individuals, Businesses, or Government

This ordinance does not have an economic impact on individuals, businesses, or government.

Anticipated New, Increased or Decreased Revenues

This ordinance will not affect revenues in any manner.

Method Used in Determining Analysis

Vision 2020 Seminole County Comprehensive Plan and professional expertise.

Citation

All land development regulations shall be evaluated prior to their enactment to determine the extent and scope of their impact upon private property rights (Policy FLU 12.3 Evaluation of New Land Development Regulations, Seminole County Vision 2020 Plan, May 2001).

Seminole County ECONOMIC IMPACT STATEMENT

Date:	12/14/04	Dept/Div:	P&D/Planning Division
Contact:	Cathleen Consoli	Phone Ext:	407-665-7377
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Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

There is no economic impact as a result of this amendment.

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

There is no direct economic impact as a result of this amendment to the property owners/tax payers/citizens of this county.

Identify and Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

There are no indirect economic impacts as a result of the adoption of this ordinance.

Citation

Seminole County Home Rule Charter.

NOTICE OF AMENDMENT ORDINANCE

Adoption of the 2004 Fall Cycle Large Scale Amendment Ordinance

Should the Board of County Commissioners (“the Board”) move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS, CONSERVATION, FUTURE LAND USE AND POTABLE WATER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.