

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Fall 2005 Cycle Large Scale Comprehensive Plan Amendment Ordinance

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tony Matthews **EXT.** 7936

<b>Agenda Date</b> <u>12/20/05</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

1. Enact an ordinance, which adopts the Fall 2005 Cycle Large Scale Plan Amendments to the Vision 2020 Seminole County Comprehensive Plan, and authorize the Chairman to execute the ordinance.
2. Deny the attached ordinance.
3. Continue this item to a date and time certain.

(Unincorporated Seminole County)

(Tony Matthews, Principal Planner)

**BACKGROUND:**

Part II, Chapter 163, Florida Statutes, allows two (2) large scale comprehensive plan amendment cycles per calendar year. By statute, all plan amendments within a single cycle are enacted by ordinance on the same day and forwarded as a single submittal to the Department of Community Affairs for a finding of compliance or noncompliance.

The attached ordinance includes all of the Fall 2005 Large Scale Comprehensive Plan Amendments adopted by the Board on December 20, 2005. Page 4 of the attached ordinance lists the amendments.

**STAFF RECOMMENDATION:**

Staff recommends the Board enact the ordinance, which adopts the Fall 2005 Cycle Large Scale Comprehensive Plan Amendments to the Vision 2020 Seminole County Comprehensive Plan, and authorize the Chairman to execute the ordinance.

**Attachment:** Adoption Ordinance

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	_____
Other:	_____
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	ph130pdp07

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE CONSERVATION, FUTURE LAND USE, AND RECREATION AND OPEN SPACE ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

**WHEREAS,** the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

**WHEREAS,** the Board has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to Large Scale Plan Amendments; and

**WHEREAS,** the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS,** the Seminole County Land Planning Agency held A public hearing with all required public notice for the purpose of providing recommendations to the Board of County

Commissioners with regard to the Plan amendments set forth herein; and

**WHEREAS,** the Board held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendments set forth herein; and

**WHEREAS,** the Board hereby finds that the Plan, as amended by this Ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

**WHEREAS,** the Plan amendments set forth herein have been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

**WHEREAS,** a private property rights analysis has been prepared and made available for public review for each applicable amendment enacted by this Ordinance and in accordance with the requirements of the Seminole County Comprehensive Plan; and

**WHEREAS,** the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of each text amendment enacted by this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance 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:**

**Section 1. Legislative Findings.** The above recitals are true and correct in form and include legislative findings, which are a material part of this Ordinance.

**Section 2. Text Amendment.** The text of the Plan is hereby amended as set forth in Exhibits A, B, and C (attached hereto and incorporated herein by this reference) as noted in the following table:

<b>Ord. Exh.</b>	<b>Name</b>	<b>Amendment Number</b>	<b>Amended Elements</b>	<b>LPA Hearing Date</b>	<b>BCC Hearing Dates</b>
A	Land Use Strategies requirement of the Wekiva Parkway and Protection Act CON Exhibit-2 FLU Exhibit-14 FLU Exhibit-22	05F.TXT01.01 (CON TXT) 05F.TXT01.02 (FLU TXT) 05F.TXT01.03 (REC TXT) 05F.TXT02.05 (FLU TXT) 05F.TXT02.07 (FLU TXT) 05F.TXT02.08 (CON TXT)	Conservation, Future Land Use, and Recreation and Open Space	7/13/05	8/23/05 12/20/05
B	Land Use Strategies requirement of the Wekiva Parkway and Protection Act FLU Exhibit-TBD Exhibit-TBD	05F.TXT02.01 (FLU TXT) 05F.TXT02.02 (FLU TXT) 05F.TXT02.03 (FLU TXT) 05F.TXT02.04 (FLU TXT) 05F.TXT02.06 (FLU TXT) 05F.TXT02.10 (FLU TXT) 05F.TXT02.11 (FLU TXT)	Future Land Use	7/13/05	8/23/05 12/20/05
C	FLU Exhibit-11	05F.TXT02.09 (FLU TXT)	Future Land Use	7/13/05	8/23/05 12/20/05

**Section 3. Severability.**

(a) The enactment of this Ordinance includes 14 text amendments.

(b) 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 provisions of this Ordinance are declared severable.

**Section 4. Exclusion from County Code/Codification.**

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code Codifier.

**Section 5. Effective Date.**

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendments set forth herein shall be twenty-one (21) days after the Florida Department of

Community Affairs' publication of a notice of intent to find the Plan amendments in compliance if no affected party challenges the Plan amendments, or, if an affected party challenges the Plan amendments, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendments are in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

**ENACTED** this 20th day of December 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

CARLTON D. HENLEY, Chairman

## Exhibit A

### Amendments to Existing Comprehensive Plan Policies

#### CONSERVATION ELEMENT

##### Amendment 05F.TXT01.01

###### **Policy CON 2.8 Educational Brochures**

The County shall develop and distribute to homeowners associations, civic groups, schools and other organizations, educational brochures addressing surface water and lake improvement practices and related matters such as Florida Friendly Landscaping for properties within the Wekiva Study Area.

#### FUTURE LAND USE ELEMENT

##### Amendment 05F.TXT01.02

###### **Policy FLU 1.7 Wekiva River Protection**

The County shall continue to regulate the development of land along the Wekiva River and its wetlands and tributaries to implement Protection Zone policies and regulations regarding maintaining rural density and character in the aggregate, development setbacks, concentrating permitted development farthest from surface waters and wetlands where permitted, minimizing development impacts on water quantity and quality, and restricting open space areas to passive recreational uses.

Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area as defined in *Section 369.303(9), Florida Statutes*, no development may be approved upon parcels so located unless the proposed development conforms to the provisions of the Wekiva River Protection Act (Part III, Chapter 369, Florida Statutes), and the provisions of this Plan adopted to conform to said Act. See Future Land Use Objective 14 for additional policies regarding the goals of the Wekiva River Protection Area.

In addition, development of lands located within the Wekiva River Protection Area must also conform to the provisions of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes) and to the provisions of this Plan adopted to conform to said Act. See Future Land Use Objective 15 for additional policies regarding the goals of the Wekiva Parkway and Protection Act.

Notwithstanding any other provision of this Plan, middle schools and high schools shall not be permitted on property located within the Wekiva River Protection Area except for 8.7 acres owned by the Seminole County School Board prior to October 26, 1999, which is located in the East Lake Sylvan Transitional Area, which is depicted in Exhibit FLU: East Lake Sylvan Transitional Area/School Site. (*Added: Amendment 02F.TXT03; Ordinance 2002-55, 12/10/2002*).



**RECREATION AND OPEN SPACE ELEMENT**

**Amendment 05F.TXT01.03**

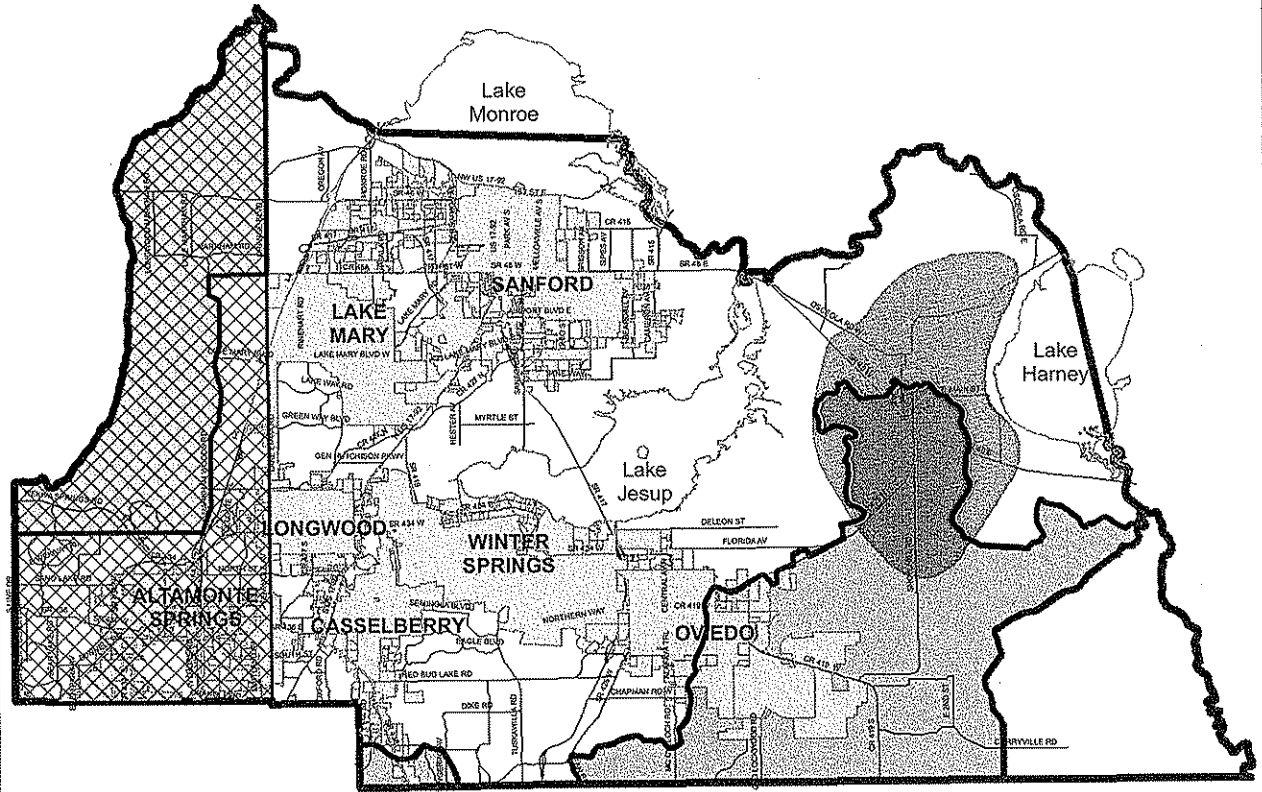
**Policy REC 6.2 Recreation Grants**

The County shall continue to pursue State and Federal grants, including funding from the Florida Communities Trust program, for the acquisition and development of recreational and open space lands and facilities.



# Exhibit A






## Resource Protection Areas



05F.TXT02.07

### LEGEND

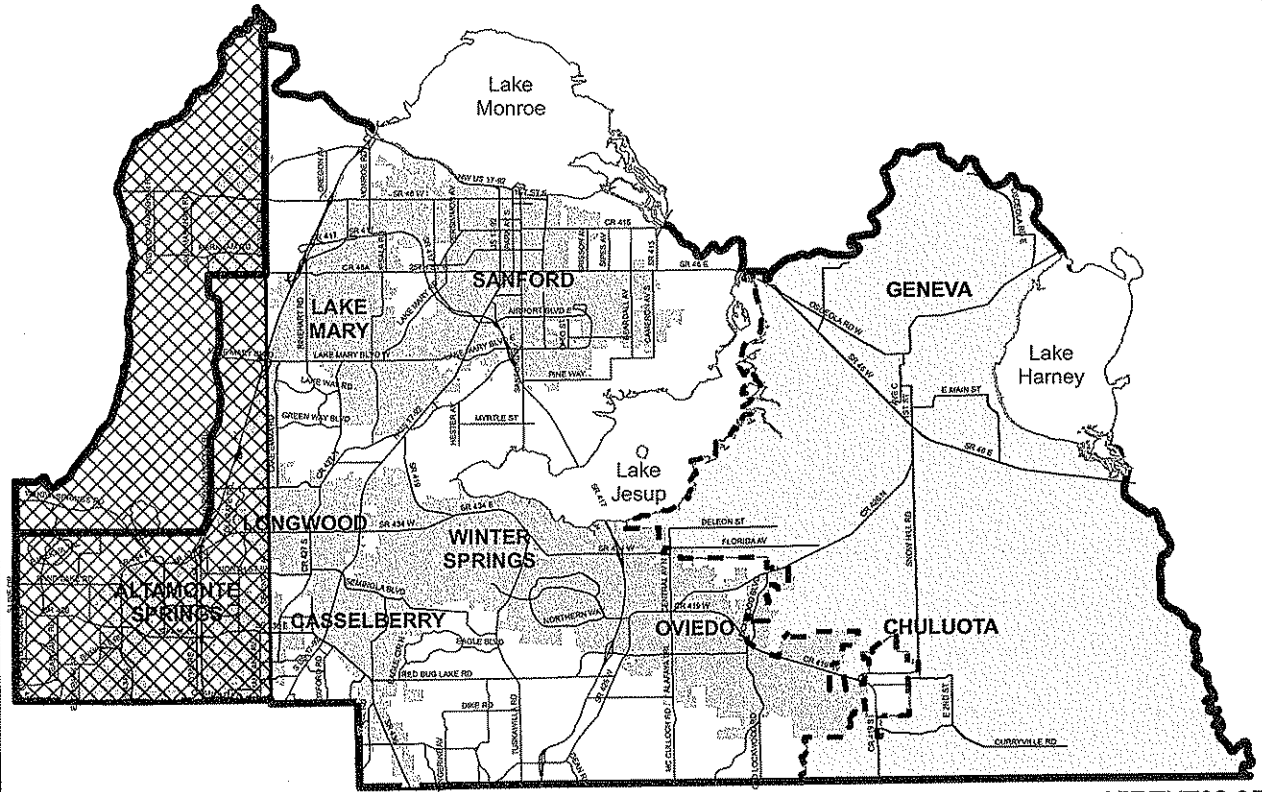


-  Wekiva River Protection Area
-  Econlockhatchee River Protection Area
-  Geneva Lens
-  Wekiva Study Area Boundary
-  City Limits

The Wekiva River has received State attention to ensure its protection and the Econlockhatchee River Basin is protected by County Ordinance.

# Exhibit A








## Special Area Boundaries



05F.TXT02.05

### LEGEND



-  Wekiva Study Area Boundary
-  Rural Area (Outside Urban Service Area)
-  Seminole Estates
-  East Lake Sylvan Transitional Area
-  Wekiva River Protection Area Boundary
-  Urban/Rural Boundary
-  City Limits

## Exhibit B

### FUTURE LAND USE ELEMENT

#### Amendment 05F.TXT02.01

#### **OBJECTIVE FLU 15 PROTECTION OF THE NATURAL RESOURCES OF THE WEKIVA STUDY AREA**

The County shall recognize and enforce and, if necessary, strengthen existing Plan goals, objectives, policies, and land development regulations relating to open space, most effective recharge areas, karst features, and sensitive natural habitat, to reinforce the provisions of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes). The goals, objectives, policies, and land development regulations shall ensure that all development activities within the Wekiva Study Area are consistent with the Wekiva Parkway and Protection Act (*Exhibit FLU: Special Area Boundaries*). The County shall also evaluate the effects of land use strategies on property rights protection within the Wekiva Study Area.

#### Amendment 05F.TXT02.03

#### **Policy FLU 15.1 Wekiva Study Area Open Space**

Open space within the Wekiva Study Area is defined as any portion of a parcel or area of land or water, which is open from the ground to the sky, including areas left undeveloped or minimally developed as part of a natural resource maintained preserve, (e.g., floodplains, wetlands, soils unsuitable for development, etc.), passive recreational area, or stormwater management area, buffers, landscaped areas, easements for pedestrian connection, and trails, with consideration of wildfire minimization. Such designated open space excludes waterbodies, areas in lots, street rights-of-way, parking lots, impervious surfaces, and active recreation, such as golf courses.

#### Amendment 05F.TXT02.02

#### **Policy FLU 15.2 Wekiva Study Area Natural Resource Protection**

In order to protect open space, most effective recharge areas, karst features, and sensitive natural habitat (i.e., longleaf pine, sand hill, sand pine, and xeric oak scrub) (*Exhibit FLU: Karst Features and Sensitive Natural Habitats*) within the Wekiva Study Area, as required by the Wekiva Parkway and Protection Act [Section 369.321(3), Florida Statutes] the County shall apply, but not be limited to, the following land use strategies and mechanisms:

#### A. Protection of Open Space

1. Encourage, and if warranted by Policy FLU 15.3, require planned unit developments and cluster developments;

2. Require dedication of conservation easements, or other appropriate legal mechanisms, to protect open space in perpetuity as part of the subdivision and/or site plan approval process;
3. Preserve conservation areas via of enforcement of the W-1 (Wetlands) and FP-1 (Floodprone) zoning classifications;
4. Enforce open space ratios and open space credits provisions established in the Land Development Code of Seminole County; and
5. Evaluate the Land Development Code every five (5) years to update definitions, standards, and guidelines for provision of open space.

**B. Most Effective Recharge Areas**

1. Encourage, and if warranted by Policy FLU 15.3, require planned unit developments and cluster developments; and
2. Evaluate the Aquifer Recharge Overlay Zoning Classification, which sets alternative design criteria and standards to protect the functions of most effective aquifer recharge areas as part of each Comprehensive Plan Evaluation and Appraisal Report.
3. Enforce standards for the most effective recharge areas, as defined in the Aquifer Recharge Overlay Zoning Classification and Exhibit FLU-TBD (see Exhibit B) such as, but not limited to:
  - a. The maximum area covered by structures and impervious surface shall not exceed sixty-five (65) percent for non-residential uses and sixty (60) percent for residential uses of the total land area; and
  - b. With the exception of handicapped parking spaces, no more than twenty-five (25) percent of the total number of required off-street parking spaces shall not be paved.

*Drafter's Note: Additional comprehensive plan amendments may be required upon completion of rulemaking by the St. Johns River Water Management District regarding most effective recharge areas as required by Section 369.318(3)(a) and (4), Florida Statutes.*

**C. Karst Features and Sensitive Natural Habitat**

1. The County shall adopt Best Management Practices (BMPs), including applicable BMPs recommended in "Protecting Florida's Springs – Land Use Planning Strategies and Best Management Practices", Florida Department of Community Affairs and Florida Department of Environmental Protection, 2002. BMPs may include, but not be limited to:

- a. Increasing public awareness of the Florida Yards and Neighborhoods Program regarding proper lawn and landscaping fertilization and irrigation techniques via Seminole County Government Television;
  - b. Restricting untreated water from a development site from directly discharging into karst features;
  - c. Requiring development proposals to verify by surveys and/or studies the presences of karst features and sensitive natural habitat;
  - d. Requiring a clearing and building construction setback of a minimum of 50 feet from karst features or sensitive natural habitat; and
  - e. Maintaining a minimum 25 feet, average 50 feet natural buffer adjacent to karst features.
2. The County shall also adopt BMPs to:
- a. Increase public awareness of the Florida Yards and Neighborhoods Program regarding proper lawn and landscaping fertilization and irrigation techniques;
  - b. Request the Wekiva Working Group to recommend policies and/or regulations to protect natural resources, including springheads; and
  - c. Discourage the use of flammable plants such as saw palmetto and wax myrtle adjacent buildings to ensure a defensible transition space to minimize wildfire impacts.

**D. Land Development Code Provisions**

By January 1, 2007, the County shall enact land development regulations, as required by Section 369.321(6), Florida Statutes, to implement Plan policies that shall apply to properties located within the Wekiva Study Area. The County shall consider any model land development code and/or comprehensive plan objectives and policies designed to assist local governments in meeting the requirements of the Wekiva Parkway and Protection Act. The County shall also consider adoption of a Wekiva Springs Overlay District to optimize the protection of springs.

**Amendment 05F.TXT02.11**

**Policy FLU 15.3 Wekiva Study Area Cluster Development Standards**

The County shall evaluate development proposals within the Wekiva Study Area to determine if cluster developments are required where development proposals meet one or more of the following conditions:

- A. Contains significant amounts of wetlands, floorprone areas, or other environmentally sensitive natural habitat such as longleaf pine, sand hill, sand pine, or xeric oak scrub;
- B. Contains sensitive karst features or most effective recharge areas;
- C. Abuts a government owned natural lands or other environmentally sensitive area such as springs, or historical or archeological site; or
- D. Is within 200 feet of the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas.

**Amendment 05F.TXT02.04**

**Policy FLU 15.4 Wekiva Study Area Incorporated Objective and Policies**

The following objective and policies from various Elements of the Seminole County Comprehensive Plan to reinforce the provisions of the Wekiva River Protection Act are hereby incorporated into this Element by reference below:

A. Most Effective Recharge

- 1. Conservation Element - Policy CON 1.3 Recharge Area Protection
- 2. Future Land Use Element - Policy FLU 1.5 Cluster Development

B. Open Space

- 1. Conservation Element - Policy CON 3.9 Conservation Easements/Dedication
- 2. Future Land Use Element - Policy FLU 1.5 Cluster Development
- 3. Recreation and Open Space Element - Policy REC 6.2 Recreation Grants
- 4. Recreation and Open Space Element - Policy REC 7.5 Agency Coordination
- 5. Recreation and Open Space Element - Policy REC 7.7 Significant Open Space and Natural Lands Acquisition

C. Sensitive Natural Habitat

- 1. Introduction Section - Definition of Rare Upland Habitat
- 2. Recreation and Open Space Element - Policy REC 7.7 Significant Open Space and Natural Lands Acquisition

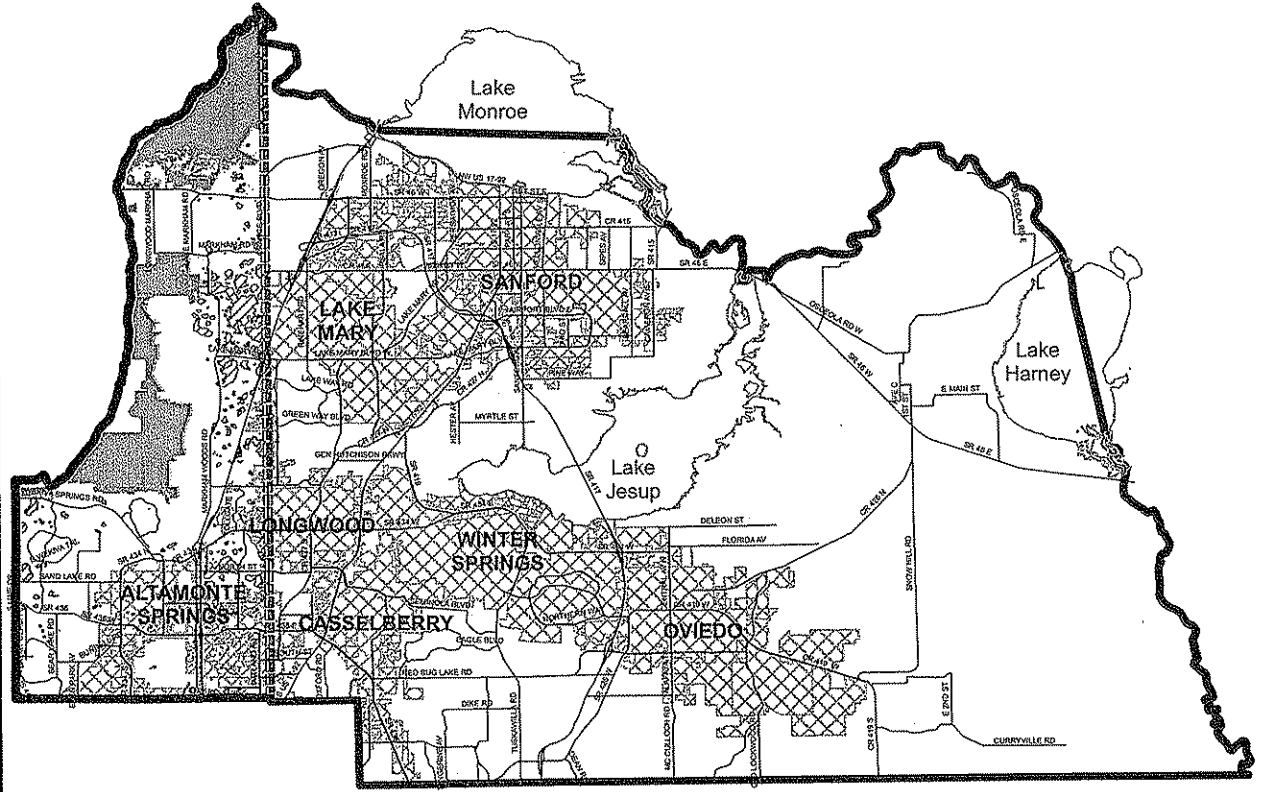


D. Property Rights

Future Land Use Element - Objective FLU 12 Protection of Private Property Rights

# Exhibit B








## Karst Features and Sensitive Natural Habitats



05F.TXT02.06

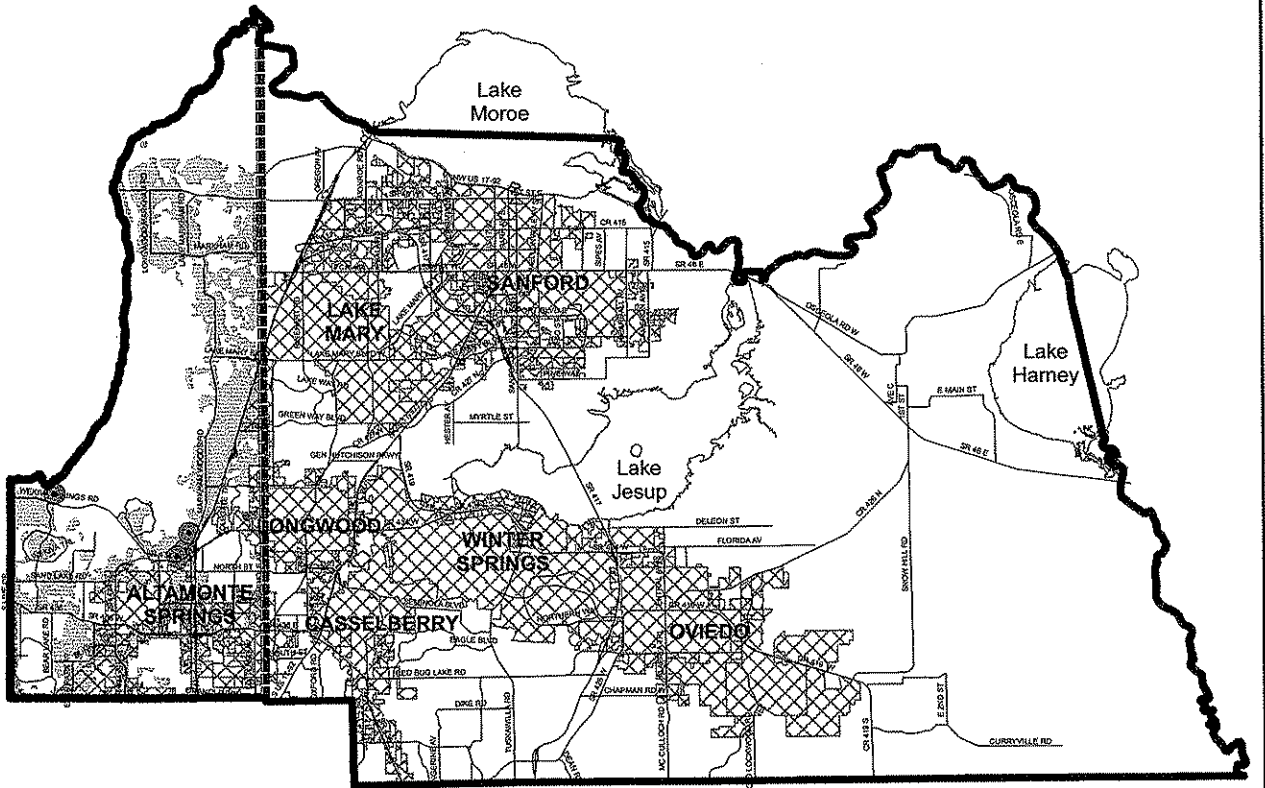
### LEGEND



-  Wekiva Study Area Boundary
  -  Karst Features
  -  Public Lands
  -  City Limits
- Sensitive Natural Habitat**
-  Xeric Oak Scrub
  -  Sand Pine Scrub
  -  Sandhill

# Exhibit B





## Most Effective Recharge Areas Within the Wekiva Study Area



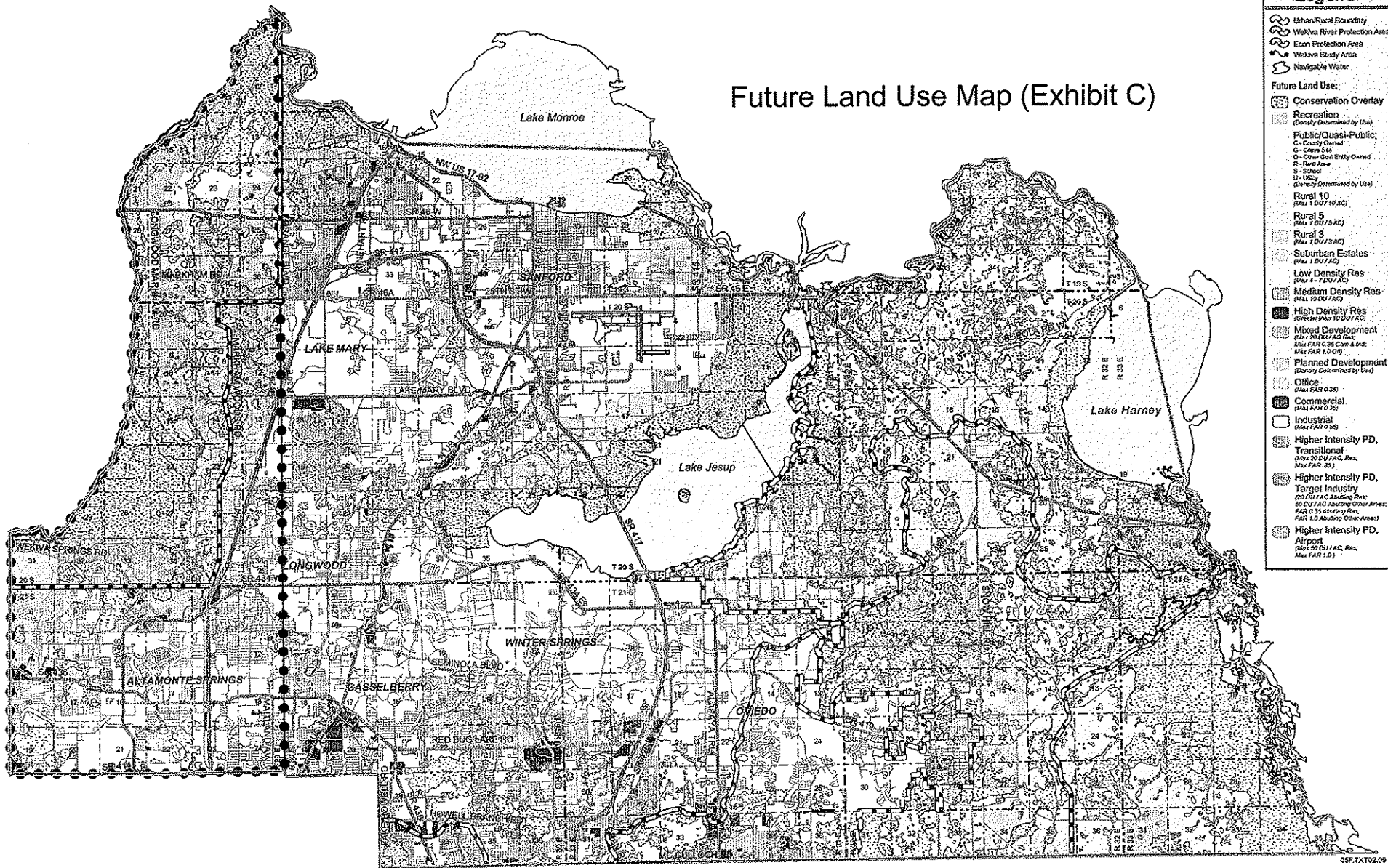
05F.TXT02.10



### LEGEND

-  Wekiva Study Area Boundary
-  Most Effective Recharge Areas in the WSA
-  City Limits
-  Springs

# Future Land Use Map (Exhibit C)



## Legend

- Urban/Rural Boundary
- Wekiva River Protection Area
- Ecom Protection Area
- Wekiva Study Area
- Navigable Water
- Future Land Use:**
- Conservation Overlay
- Recreation  
*(Density Determined by Use)*
- Public/Quasi-Public:  
C - County Owned  
G - Gravel Site  
D - Other State Owned  
R - Road Area  
S - School  
U - Utility  
*(Density Determined by Use)*
- Rural 10  
*(Max 1 DU/1/4 AC)*
- Rural 5  
*(Max 1 DU/1/2 AC)*
- Rural 3  
*(Max 1 DU/3/4 AC)*
- Suburban Estates  
*(Max 1 DU/1 AC)*
- Low Density Res  
*(Max 4 DU/1 AC)*
- Medium Density Res  
*(Max 10 DU/1 AC)*
- High Density Res  
*(Max 20 DU/1 AC)*
- Mixed Development  
*(Max 20 DU/1 AC; Max FAR 0.55; Max FAR 1.0; Max FAR 1.0; Max FAR 1.0)*
- Planned Development  
*(Density Determined by Use)*
- Office  
*(Max FAR 0.35)*
- Commercial  
*(Max FAR 0.75)*
- Industrial  
*(Max FAR 0.85)*
- Higher Intensity PD, Transitional  
*(Max 20 DU/1 AC; Max FAR 0.75; Max FAR 1.0)*
- Higher Intensity PD, Target Industry  
*(20 DU/1 AC; Max FAR 0.75; Max FAR 1.0; Max FAR 1.0; Max FAR 1.0)*
- Higher Intensity PD, Airport  
*(Max 20 DU/1 AC; Max FAR 1.0)*

CSF.TXT02.09