

**SEMINOLE COUNTY GOVERNMENT  
LOCAL PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Briefing on the Wekiva Global Compliance Agreement—Wekiva River  
Protection Area Environmental Design Standards Ordinance

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

**AUTHORIZED BY:** Matthew West *MW* **CONTACT:** Craig Shadrix **EXT.** 7343

Agenda Date 01/9/02 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

Staff will be prepared for questions and comments from the LPA/P&Z on this proposed ordinance.

**BACKGROUND:**

The Wekiva Global Compliance Agreement and Vision 2020, policy FLU 14.9 required adoption of three mandatory environmental design standards and directed the study of optional standards to be applied to development in the Wekiva River Protection Area. Staff has prepared an ordinance that includes the mandatory standards and components of the optional standards that were deemed professionally feasible. The schedule for this item is planned to proceed as follows:

- Briefing of the BCC.....February 12, 2002
- LPA/P&Z public hearing .....February 6, 2002
- BCC public hearing # 1.....March 12, 2002
- BCC public hearing # 2.....March 26, 2002

Reviewed by:  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. Z2001-051



ORDINANCE NO. 2001-\_\_\_\_\_

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; CREATING ENVIRONMENTAL DESIGN STANDARDS FOR THE WEKIVA RIVER PROTECTION AREA; PROVIDING FOR A TITLE; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING DEFINITIONS; PROVIDING ENVIRONMENTAL DEVELOPMENT STANDARDS, INCLUDING ARBOR REQUIREMENTS, PROTECTION OF WETLANDS AND FLOOD PRONE AREAS, CLUSTERING AND PLANNED UNIT DEVELOPMENTS, AND GUIDELINES FOR PROTECTION OF LISTED SPECIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

**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; 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 (SCCP), known as Vision 2020; and

**WHEREAS**, the SCCP requires the adoption of land development regulations establishing environmental design standards in order to protect the existing visual features, maintain visual quality, provide a sense of place, protect the rural character of the Wekiva River Protection Area, and protect natural resources including wildlife corridors; and

**WHEREAS**, the Board of County Commissioners (BCC) finds and determines that the provisions of this Ordinance meet the aforesaid SCCP requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. Title.** This Ordinance shall be known and may be cited as the "Wekiva River Protection Area Environmental Design Standards".

**Section 2. Legislative Findings.** The following findings are hereby adopted as legislative findings by the Board of County Commissioners.

(a) The 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.

**Section 3. Purpose and Intent.** The purpose of this 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.

**Section 4. Applicability.** All new development or re-development, excluding single family lots existing on the effective date of this Ordinance and except as may be otherwise provided for in this Ordinance, within Wekiva River Protection Area and outside the East Sylvan Lake Transitional Area 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 Ordinance, in addition to the requirements of any other applicable provisions of the Seminole County Land Development Code.

**Section 5. Definitions.** As used in this Ordinance, certain words and phrases shall mean the following:

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

"Rare upland habitat" - refers to applicable upland habitats as referenced in the Florida Natural Areas Inventory *Guide to the Natural Communities of Florida* and verified by the County's Natural Resources Officer. The use of said definition shall not be construed to include the exact species assemblages referred to, but rather to a representation of species adequate to distinguish rare upland habitat from other less valuable uplands.

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

**Section 6. Environmental Development 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 Sylvan Lake Transitional Area, 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 Resources Officer or designee. Development 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 that are not single-family residential lots existing on the effective date of this ordinance, are preserved on site.

(2) When fifty percent (50%) 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 Section 30.1228(b) of the Seminole County Land Development Code and planted on site in common areas and along streets.

(4) Single family residential lots with less than fifty percent (50%) remaining native vegetation that are platted after the effective date of this 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 feet but no less than twenty-five 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) 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.

(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 is the desired scenario if it is verified by the Planning Manager and the Natural Resources Officer that wetlands, rare upland habitat, greenways, or wildlife corridors can be preserved by clustering.

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

(A) St. Johns River Water Management District,

(B) the homeowners association, or

(C) Seminole County.

(d) Protection of Listed Species.

(1) As a condition for development approval, 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:

(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.

**Section 7. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this Ordinance and the balance of this Ordinance shall not be affected thereby.

**Section 8. Codification.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Land Development Code and that the word "Ordinance" may be changed to "section," "article," or other appropriate word and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 7, 8, and 9 shall not be codified.

**Section 9. Effective Date.** This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
DARYL G MCLAIN , CHAIRMAN

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