

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

SUBJECT: Public hearing on the Wekiva Global Compliance Agreement—State Road 46 Scenic Corridor Outdoor Lighting Standards Ordinance

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

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

Agenda Date <u>02/6/02</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:

Staff recommends approval of the State Road 46 Scenic Corridor Outdoor Lighting Standards Ordinance, and will be prepared for questions and comments from the LPAP&Z.

BACKGROUND:

The Wekiva Global Compliance Agreement and Vision 2020, policy FLU 14.7 required the creation of a scenic corridor overlay zoning district for State Road 46, which included lighting standards. The State Road 46 Scenic Corridor Overlay Zoning District was enacted by the BCC in May of this year. Staff has prepared the outdoor lighting standards for the State Road 46 Scenic Corridor Overlay as a separate ordinance that will require outdoor lighting that minimizes light pollution in the area. The ordinance was sent out to members of environmental interest groups and the Development Advisory Board on December 22, 2001. Subsequent meetings have taken place with both groups, and staff is prepared to discuss comments by these groups with recommendation.

Reviewed by:	_____
Co Atty:	<u>KSC</u>
DFS:	<u>MAW</u>
Other:	_____
DCM:	_____
CM:	_____
File No.	_____

EXECUTIVE SUMMARY

Wekiva River Protection Area Environmental Design Standards		Ordinance # 2002-m
REQUEST		
APPLICANT	Seminole County	
LDC AMENDMENT	Creation of environmental design standards for the WRPA	
REZONING	Creation of overlay	
EXEMPTIONS	The East Sylvan Lake Transitional Area is exempt from the proposed standards	
LOCATION	The area designated the Wekiva River Protection Area with the exception of the East Sylvan Lake Transitional Area	
SPECIAL ISSUES	The Wekiva Global Compliance Agreement, the Seminole County Comprehensive Plan, and the attached resolution require this amendment.	
BOARD DISTRICT	#3—Van der Weide, #5 – Comm. McLain	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	<p>PLAN AMENDMENT: Recommend approval of the Wekiva River Protection Area Environmental Design Standards with findings that the ordinance, as proposed with staff's additional modifications, would be:</p> <ol style="list-style-type: none"> 1. Consistent with the Wekiva Global Compliance Agreement; and 2. Consistent with the Future Land Use Element of the Seminole County Comprehensive Plan. 	

STAFF ANALYSIS

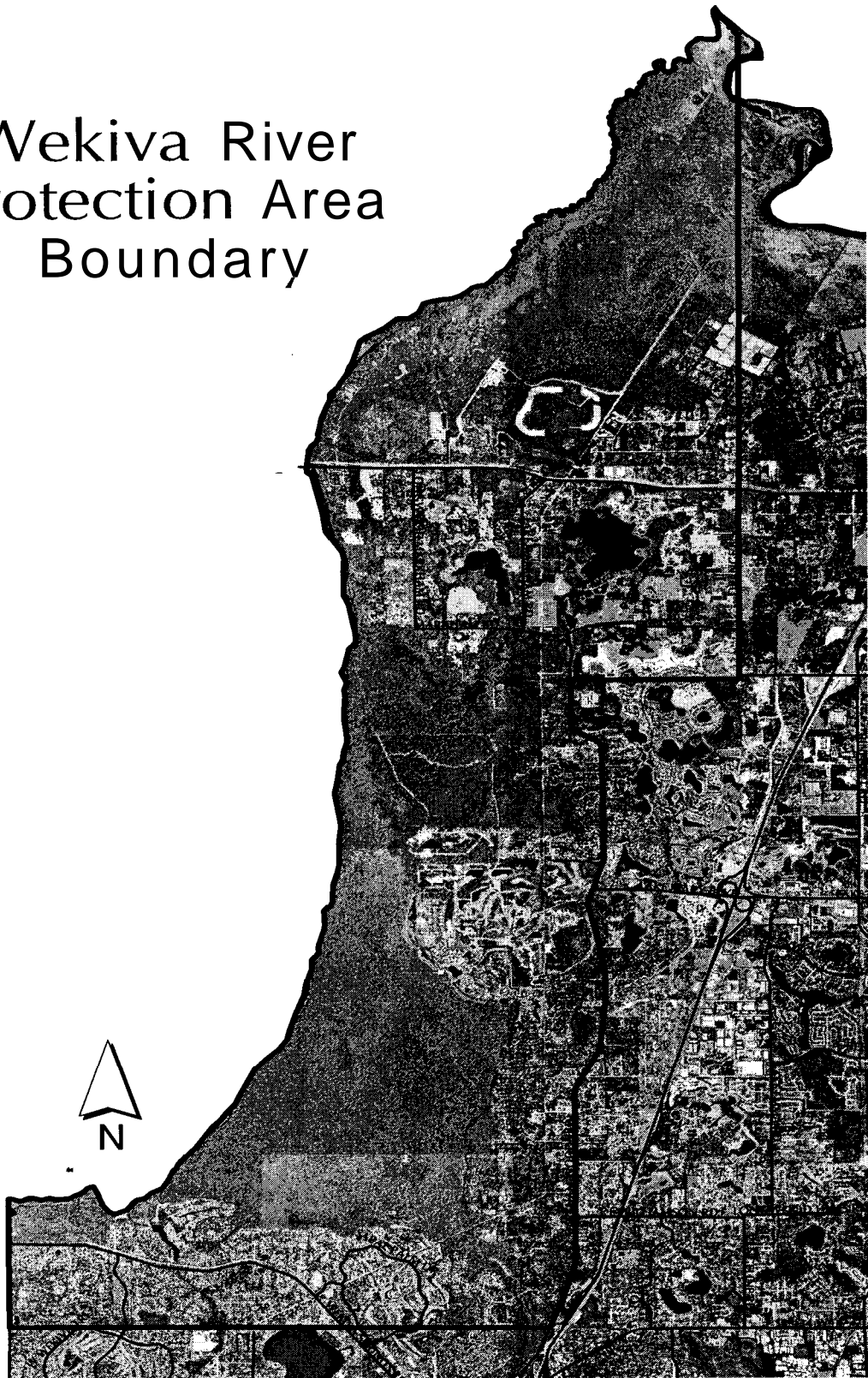
Wekiva River Protection Area Environmental Design Standards

**Ordinance #
2002--**

There have been numerous issues raised by various groups including the LPA/P&Z during the January 9 briefing regarding the environmental design standards. The most popular issue is the standard whereby floodplains and wetlands are required to be protected (pp. 5-6(b) of the Ordinance). While it may be argued that floodplains should not have been included in the ordinance, it was part of the original Wekiva Global Compliance Agreement with the Florida Department of Community Affairs and may not be changed as such. The next issue is with regard to the use of FEMA maps to determine one-hundred year floodplain (p. 6 line 5). It is staff's recommendation that the Ordinance be amended to include the phrase "or best available data," an action that retains the original verbiage of the agreement and allows for the use of data which we know in some cases is better than FEMA. Two other comments remain at this time. The definition of "rare upland habitat" (page 4, section 5) will be deleted in future drafts and in its place will be a reference to the Land Development Code of Seminole County (Sect. 30.1083(d)). It was an oversight that there was already a definition of rare upland habitat in the LDC. The last comment is that the use of "the County's Natural Resources Officer" will be replaced with "Development Review Manager."

SITE DESCRIPTION

Wekiva River
Protection Area
Boundary



COMPREHENSIVE PLAN CONSISTENCY

The proposed Land Development Code amendment is required by the Wekiva Global Compliance Agreement with the Florida Department of Community Affairs and adopted Comprehensive Plan Policy FLU 14.9. .

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 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.

4 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 39-27.00, Florida Administrative Code, utilizing the most current wildlife methodology guidelines published by the Florida Fish and Wildlife Conservation Commission and current information from the Florida Natural Areas Inventory. Protection of listed species shall be accomplished either through onsite preservation or through relocation within the Wekiva River Protection Area through completion of a plan acceptable to, and permitted by, the Florida Fish and Wildlife Conservation Commission. Incidental taking of listed species shall not be accepted unless the Florida Fish and Wildlife Conservation Commission determines that a particular group of animals on the site cannot be relocated or benefited by on-site preservation due to disease.

B The County shall apply the policies set forth in subsections (a)(1) through (a)(4) to properties seeking to develop within the Wekiva River Protection Area prior to the enactment of the land development regulations implementing said policies.

C Upon completion of the East Central Florida Regional Planning Council's study identifying significant and viable habitat and wildlife corridors within the Wekiva River Protection Area, the County shall consider enacting land development regulations to protect such habitat and wildlife corridors.

D By December 31, 2000, the County shall study and evaluate the potential enactment of the following land development regulations with regard to furthering the protection of natural resources within the Wekiva River Protection Area:

1 Trees and other native vegetation shall be maintained on at least 50 percent (50 %) of any residential parcel or subdivision, unless it can be demonstrated that such vegetation is diseased or presents a safety hazard. Properties with less than fifty percent (50 %) native vegetation on site shall be required to maintain native vegetation to the greatest extent possible. (For example, removal of trees and native vegetation may be

permitted to the extent necessary to allow for the construction of a single family dwelling on a parcel of land.)

- 2 On property having the Suburban Estates land use designation, wetlands, rare upland habitat, greenways, and wildlife corridors preserved by clustering or the creation of open space through the use of PUD zoning shall be permanently protected by dedication to the St. Johns Water Management District or through the establishment of conservation easements. If necessary for the protection of natural resources, requiring that a proposed development having the Suburban Estates land use designation implement clustering through PUD zoning provided, however, that the net density of the proposed development does not exceed one (1) unit per net buildable acre.
- 3 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 39-27.00, Florida Administrative Code, utilizing the most current wildlife methodology guidelines published by the Florida Fish and Wildlife Conservation Commission and current information from the Florida Natural Areas Inventory. If an endangered, threatened, or species of special concern is determined to exist on site, then development shall be accomplished in a manner so as to avoid the habitat of the species and to provide appropriate habitat buffers as determined by the Florida Fish and Wildlife Conservation Commission and the Florida Natural Areas Inventory. Development shall proceed only after the boundaries of protected habitat areas sufficient to sustain viable populations of said species have been defined.

STAFF RECOMMENDATION

PLAN AMENDMENT: Recommend approval of Recreation land use with findings that Recreation land use, as proposed, would be:

1. Consistent with the Wekiva Global Compliance Agreement; and
2. Consistent with the Future Land Use Element of the Seminole County Comprehensive Plan.

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: _____
BARYL G MCLAIN , CHAIRMAN

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