

ITEM # _____

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

SUBJECT: MYRTLE STREET SUBDIVISION URBAN CONSERVATION VILLAGE
PRELIMINARY PLAN, Sandy Bierly, Applicant

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

AUTHORIZED BY: Matthew West **CONTACT:** Tony Walter ^{TW} **EXT.** 7375

Agenda Date <u>9/1/04</u>	Regular <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the Preliminary Plan for an Urban Conservation Village single family subdivision located at 1435 Myrtle Street; or
2. Recommend APPROVAL of the Preliminary Plan for an Urban Conservation Village single family subdivision located at 1435 Myrtle Street with additional conditions; or
3. Recommend DENIAL of the Preliminary Plan for an Urban Conservation Village single family subdivision located at 1435 Myrtle Street; or
4. Continue until a date and time certain.

District – 5 McLain

Tony Walter, Assistant Planning Manager

BACKGROUND:

In June 2004 the Board of County Commissioners adopted Policy FLU 9.3 Myrtle Street Study Area Urban Conservation Village Development Concept to facilitate creative design concepts focused on preservation of natural open spaces, sensitive lands and area character in the Myrtle Street Study area. The Board also authorized staff to advertise an ordinance amending the Land Development Code to implement the Policy.

At their August 10, 2004 meeting the Board adopted the Urban Conservation Village amendment to the Land Development Code and renamed the area the Eureka Hammock Urban Conservation Village. During development of the Land Development Code amendment, the applicant

Reviewed by: _____
Co Atty: <u>[Signature]</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2004-044</u>

worked with staff applying the proposed amendment regulations to the 29.33 acre project. The Preliminary Plan presented in this packet is consistent with the Urban Conservation Village Policy in the Comprehensive Plan and with the Urban Conservation Village ordinance.

The Preliminary Plan is reviewed by the Planning and Zoning Commission for its recommendation then forwarded to the Board of County Commissioners for approval or denial. After finalizing their proposal for development, the applicant then provides a Final Master Plan and Developers Commitment Agreement which shall be approved or denied by the Board of County Commissioners.

At their August 10, 2004 meeting the Board directed staff to conduct neighborhood meetings to obtain comments on all Urban Conservation Village projects in the Eureka Hammock Urban Conservation Village area prior to a Planning and Zoning meeting to review a project. The resulting comments are to be included in the agenda memorandums for both the LPA/P&Z and the BCC.

MYRTLE STREET TASKFORCE COMMENTS:

Staff will provide the Myrtle Street Taskforce comments at the meeting.

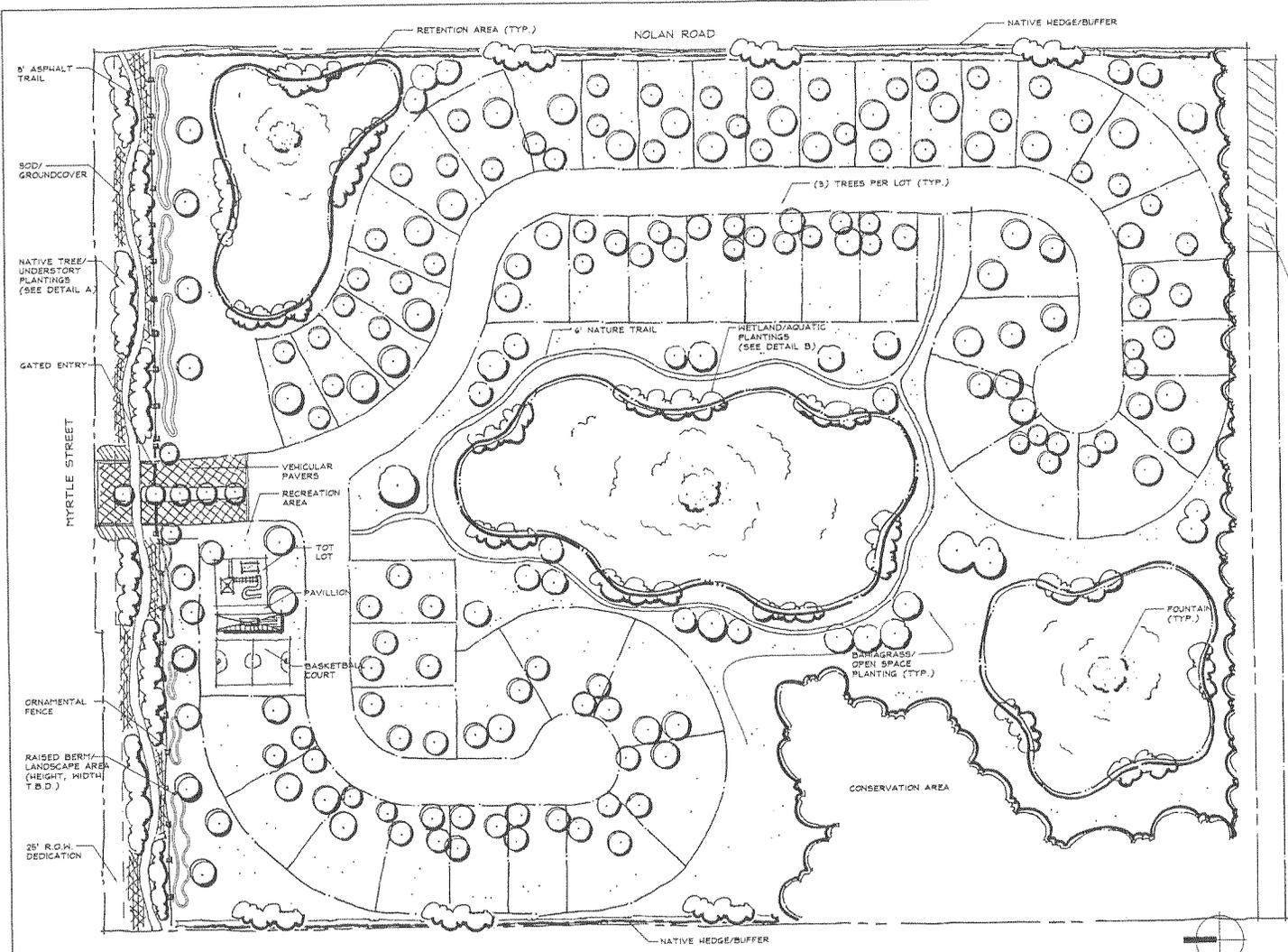
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Preliminary Plan for an Urban Conservation Village single family subdivision located at 1435 Myrtle Street with the following conditions:

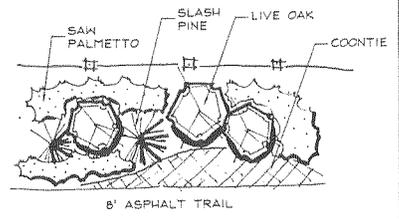
1. That a Greenway Ownership and Management Plan include landscape and hardscape design, including street and amenities lighting concepts and hours of operation, permitted uses, maintenance plans and estimated costs.
2. That the Greenway Ownership and Management Plan become part of the Home Owner's Association documents governing the use and maintenance of the open space and Greenway areas.
3. That permitted active recreational uses are limited to one basketball court, pavilion and tot lot consisting of no more than 0.53 acres.
4. That a perpetual conservation easement be executed over the Greenway Lands that runs with the land and prohibits any development other than that listed in the Greenway Ownership and Management Plan.
5. That 0.56 acres of land be dedicated to the County as right-of-way for Myrtle Street.
6. That Myrtle Street is widened to County Standards along the frontage of the property abutting Myrtle Street.
7. That a left turn lane be constructed on Myrtle Street.

8. That a recreational trail be constructed within the Lanark Street right-of-way extending the trail east from the termination point at the adjacent property to the west, to Nolan Road.
9. That an easement covering the recreational trail be provided to the County prior to Lanark Street being abandoned.

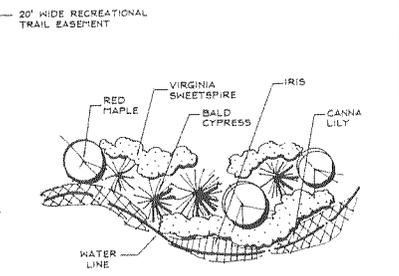
Attachments: Myrtle Street Subdivision Preliminary Plan (due to the hurricane the consultant was not able to change the name on the Preliminary Plan to coincide with the staff report)
Myrtle Street Subdivision Preliminary Greenway Ownership and Management Plan
Copy of Urban Conservation Village Ordinance



CONCEPTUAL LANDSCAPE PLAN (EXHIBIT A)
SCALE: 1" = 60'



LANDSCAPE DETAIL 'A'
SCALE: 1" = 20'



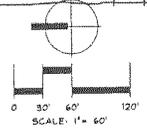
LANDSCAPE DETAIL 'B'
SCALE: 1" = 30'

LAND USE SUMMARY

LOT AREA	10.23 AC
RIGHT OF WAY	2.82 AC
CONSERVATION	1.88 AC
RIGHT OF WAY DEDICATION	0.56 AC
LIFT STATION	01 AC
GREENWAY LAND/OPEN SPACE (PROVIDED)	13.83 AC
OPEN SPACE	0.42
RECREATION	0.53
STORMWATER	4.48
TOTAL ACREAGE	29.33 AC
TOTAL UNITS	48 UNITS
GREENWAY LAND/OPEN SPACE (REQUIRED)	29.33 AC (TOTAL SITE AREA)-1.88 AC (PRIMARY CONSERVATION)-.56 AC (MYRTLE ST ROW DEDICATION) = 26.89 AC X 50% = 13.45 AC

LANDSCAPE NOTES:

1. Refer to preliminary native plant schedule as to the types and uses of plant materials to be used within various areas of the proposed site.
2. Refer to Greenway Ownership and Management Plan as to the method in which particular areas (i.e. conservation, buffer) are to be managed.
3. Refer to landscaping management schedule for proposed activities and the timing of each activity within open space areas.
4. Refer to tree, shrub, and groundcover schedule for proposed activities and the timing of each activity within open space areas.



Scale	AS SHOWN
Date	JULY 2004
Job No.	AV05
File No.	ESP
Approved	02/2004

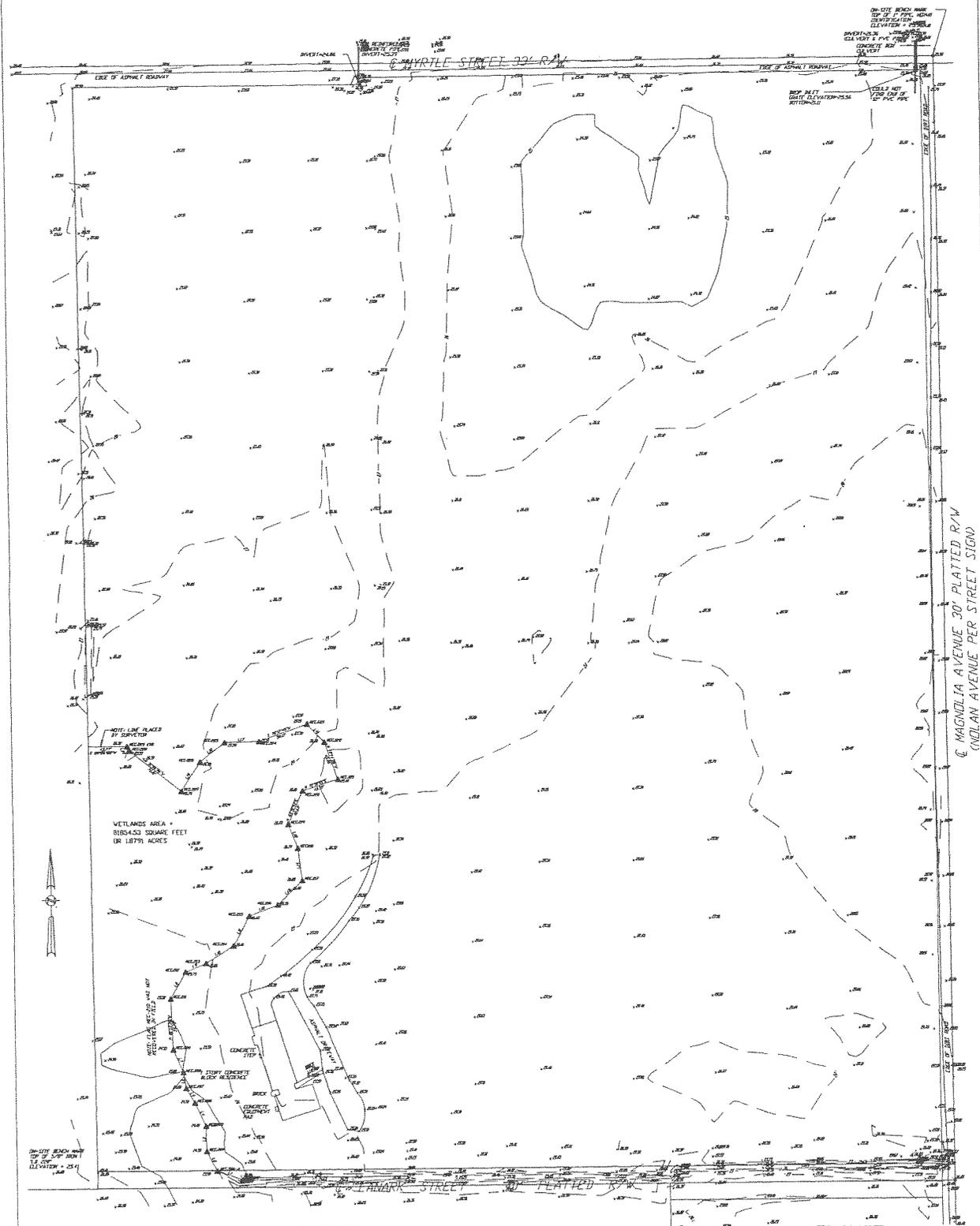
REVISOR PER MASTER PLAN AND PPP COMMENTS
DATE: 5/15/04
BY: [Signature]

Activity	Date	Drawn by	Checked by	Approved by
Native	7/04	GM	MLL	GM
Grass	7/04	GM	MLL	GM
Water	7/04	GM	MLL	GM
Planting	7/04	GM	MLL	GM

PRELIMINARY LANDSCAPE PLAN
ACORN DEVELOPMENT COMPANY
MYRTLE STREET SUBDIVISION
SEMINOLE COUNTY, FLORIDA

TOPOGRAPHIC SURVEY FOR ACORN DEVELOPMENT COMPANY

SECTION 23, TOWNSHIP 20 SOUTH, RANGE 30 EAST
SEMIWOLE COUNTY, FLORIDA



**DOUDNEY
SURVEYING
AND MAPPING
CORP.**

PROFESSIONAL SURVEYORS AND MAPPERS
200 EAST COMMERCIAL STREET SANFORD, FLORIDA 32771 (407) 322-1451

SCALE: 1" = 100'

NO.	DATE	REVISION	BY
1	08-21-11		
2	08-21-11		
3	08-21-11		
4	08-21-11		

DOUDNEY SURVEYING AND MAPPING, INC. by David A. Doudney, President, Florida Registration Number 9729
 200 East Commercial Street Sanford, Florida 32771
 PAGE 2 OF 2 08-21-11

Myrtle Street Subdivision

*Greenway Ownership
And Management Plan*



*Engineers
Planners
Landscape Architects
Surveyors
Construction Management
Design/Build*

Certificate of Authorization No. 00003215

500 West Fulton Street
Sanford, Florida 32771
Phone: 407.322.6841
Fax: 407.330.0639

SUBMITTED JULY 7, 2004
REVISED AUGUST 19, 2004

Myrtle Street Subdivision Greenway Ownership and Management Plan

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Greenway Ownership and Management Plan

I. Overview

The following Preliminary Greenway Ownership and Management Plan has been developed to provide a description of the Greenway, establish goals and objectives for the management of resources, and create standards for the operation and management of the Greenway and open spaces.

Conceptual plans and exhibits have been provided to suggest various uses for identified areas. The information included within provided exhibit suggests management techniques and methodologies conducive to short and long term management strategies.

Upon review and approval by Seminole County, final management recommendations and strategies will be included within a Greenway Ownership and Management Plan to be implemented upon completion of construction of the Conservation Village, Greenway, and open spaces.

II. Greenway Description

The areas identified for Greenway and open space usage contain a total of 13.43 acres. Refer to the Land Use Summary included within Exhibit A for further detailed land use allocations.

Specific functions of the Greenway include the protection and preservation of existing natural communities, preservation of upland communities, implementation of native plant communities, stormwater management, aquatic area and wetland management, and landscape management. Refer to Exhibit B for a preliminary native plant schedule.

Recreational uses of the Greenway include the pedestrian use of a 6' nature trail comprised of mulch materials and an 8' asphalt trail suitable for bicycle and pedestrian use. Open spaces have been provided that are suitable for a variety of activities.

III. General Management Requirements and Strategies

A. Provide HOA or Owner with 3 written proposals due before possession date for aquatics management, conservation and upland management, and landscape management from experienced local businesses capable of performing work specified herein. Accepted proposal and maintenance contract will be for period of 2 years and renewable in 1-year increments. Management will begin immediately after final acceptance of landscape construction by HOA or Owner. During the first year warranty period, the Contractor shall be responsible for insuring that the management contract is being followed.

B. Professional aquatic area management shall include necessary cultivation, weeding, protective spraying, and removal of exotic nuisance plant species that could potentially cause detrimental conditions to retention areas. Aquatic plant materials are to be managed in a manner as to provide aesthetic quality and specified water retention area capacity. All trash in and surrounding the retention area's perimeter is to be removed during each monthly visit. Typical procedures consistent with good aquatic management are to be implemented to provide for potential healthy fish populations and overall improved water quality.

Conservation and Upland management shall include necessary cultivation and vegetation management to remove invasive exotic plant species from identified conservation and upland areas. The management program implemented shall provide for increased survival and proliferation of native plant species conducive to the restoration of Central Florida native plant communities. The management program shall implement standards set forth within the most current NFPA 299 document relating to fire protection of life and property. The implemented management program shall be monitored on a monthly basis with site visit reports to be forwarded to the HOA or owner's representative.

Landscape management shall include necessary watering, cultivation, weeding, pruning, wound dressing, disease and insect pest control, protective spraying, labor for replacement of dead plant material, straightening plants which lean or sag, adjustments of plants which settle or are planted too low, mowing, replacement of mulch that has been displaced, repairing and reshaping of tree saucers, and reseeding or replanting of those areas affected. Remove rubbish, waste, tools, and equipment used at end of each workday. Other procedures consistent with good horticultural practice necessary to insure vigorous, healthy growth of plant material are also part of the Landscape Management Contract.

During first year of Landscape Management Contract, replacement of plant material shall be responsibility of Contractor with exceptions as listed herein.

Landscape maintenance contractor shall purchase and maintain Contractor's general liability insurance in amount of \$1,000,000 for protection from Contractor's operations under Management Contract. Certification of such insurance shall be filed with HOA or Owner prior to commencement of work.

C. Following are specifications covering major items of work dealing with the maintenance of the grounds including trees, shrubs, ground covers, and turf areas.

The work outlined shall include but not be limited to the following maintenance tasks:

- 1. Care of architectural landscape elements**
- 2. Edging**
- 3. Fertilization**
- 4. Irrigation / watering**
- 5. Mowing**
- 6. Mulching**
- 7. Pesticide application**
- 8. Pruning**
- 9. Weeding**

At the end of each maintenance day, all walks, drives, road, parking lots and common areas will be free of any loose materials, trash, or debris.

All personnel shall be required to wear proper attire, which, as a minimum, includes a standard shirt carrying company name and/or logo, present a good appearance, and maintain a professional code of conduct.

All personnel shall take lunch breaks and use restroom facilities in areas designated by the Owner.

No storage or provision for storage shall be made on site for maintenance equipment or materials. Contractor shall be responsible for transporting equipment and materials to the site and off site in sealed or secured containers and vehicles as required, unless specifically allowed by written contract.

All work, unless otherwise specified herein, shall be part of the contract amount quoted.

D. Turfgrass Management

1. Mowing

Grass clippings, from mowing St. Augustine turf areas, are to be collected on an as-needed basis and removed from the project area the same day as collected or composted if on-site facility exists, by written permission from the Owner only. Grass clippings from Bahia turf areas may be scattered, through use of mulching mower provided any accumulation is not noticeable. Certain specific areas of Bahia turf may be allowed to mature in order to propagate the grass through seed drop, only, through specific notification to the Contractor from the Owner.

All debris from mowing, trimming, and edging must be picked up and removed from the property by the Contractor, and at the Contractor's expense, immediately after mowing. Small loose debris is expected to be swept or blown

off walkways, driveways, etc. This small loose debris should not be discarded into any conservation areas, planted or mulched areas, or retention areas.

Mowing heights are to be maintained at three to four inches for both Bahiagrass and St. Augustine grass. The Owner will retain the option to choose the mowing height. **THE MOWER BLADES MUST BE SHARP AT ALL TIMES AND CLEANED AFTER EACH CUTTING SO AS NOT TO SPREAD DISEASE, PESTS, ETC.**

No more than one-third of the grass height shall be cut at any one mowing.

Mowing around all pond areas shall be in a manner as to eject cuttings away from the water. Care shall be taken to stay clear of all littoral zone plantings.

REFER TO EXHIBIT C FOR TURFGRASS MANAGEMENT SCHEDULE

E. Shrub and Groundcover Management

1. Pruning (for all shrubbery/trees with clear trunk under 10 feet)

Plants shall be neatly trimmed a minimum of once per month, or as deemed necessary and directed by the HOA or Owner, and in conjunction with the landscape design theme. Pruning more than once per month shall be at additional costs.

Diseased or deadwood, whenever visible, will be removed immediately.

Prune at the time of season proper for the variety per industry standards. Prune flowering trees and shrubs after the blooming period.

Shrubs under canopy trees will be maintained below the height of the clear trunk to exhibit a clear break between shrubs and trees.

Chemical trimming or pruning will not be allowed under any circumstances!

All trimming and pruning debris is to be picked up and removed from the property on the day of each trimming, by the Contractor and at the Contractor's expense.

2. Weed control

Weeding is to be done on a routine basis to maintain **TOTAL** weed control. **NOTE: Individual weeds or groups of weeds larger than 2 inches in height or diameter ARE NOT IN CONTROL and the Contractor will be expected to remove these immediately.**

REFER TO EXHIBIT D FOR TREE, SHRUB AND GROUNDCOVER MANAGEMENT SCHEDULE

F. Tree and Palm Management

1. Pruning (for trees with clear trunk above 10 feet)

Prune, thin and trim all trees per the Natural Arborist Association specifications for pruning of shade trees to keep the trees healthy, to maintain the natural character of the variety, to control shape and to prevent crowding.

Pruning will also be required, from time to time, to remove damaged branches from storms or when blocking or intruding on signs, parking lots, nature trails, walkways, vehicular sight triangles, etc.

Dead or dying palm fronds are to be removed from the palm trees, as often as necessary to maintain a neat appearance. No palms fronds shall be removed that create a branching pattern that is less than 90 degrees from vertical.

2. Weed Control

NOTE: Under no circumstances will any tree, planted in a sod area, be weeded with a string-type weed trimmer! Hand-weed only! Tree-ring (18-inches minimum radius from outside of trunk) shall be edged with mechanical edgers only.

3. MULCH

All plant beds and tree pits (except pine/native areas) shall have a minimum of three-inches of pine bark or pine straw mulch (or approved equal) maintained.

Mulch shall be "top dressed" to proper depth when found necessary, as part of the contract price.

REFER TO EXHIBIT D FOR TREE, SHRUB AND GROUNDCOVER MANAGEMENT SCHEDULE

G. Fertilization and Pest Management

1. Sod- Schedule 1

The fertilizer shall be a commercial grade produced and recommended for use on the St. Augustine and Bahia type grasses: recommend sulfur coated urea product, time-release, with micro nutrients.

2. Trees, shrubs and ground cover

Fertilizer shall be applied to all trees, shrubs, and ground covers with the exception of pines, saw palmettos and other established native (existing) areas. Fertilizer shall be commercial grade. Recommend 8-10-10 sulfur coated, time-release, or recommendations by the laboratory test results. Frequency may be adjusted based on community standards. Note: Nursery grown native species, planted in "native" context, shall be weaned from fertilizer over time.

Trees shall be fertilized three times yearly: February|March, June, and October, at the rate of one-pound per inch of trunk diameter, 30 inches above the base. Apply at the drip line in a four feet wide band. Frequency may be adjusted depending on community standards.

3. Palms

All palms shall be fertilized in February, June, and October. Recommend 8-10-10 palm fertilizer at the rate of one-pound per inch of diameter of trunk. Frequency may be adjusted depending on community standards.

All fertilizer residues shall be removed from any pavement, immediately.

4. Fungicides, Herbicides, and Insecticides

Conditions for use:

Chemical controls shall be applied by a licensed operator using EPA approved materials under the direction of a Certified Pest Control Operator. Copies of current licenses must be provided to Owner prior to chemical use.

The Contractor may use an herbicide required for and recommended for the control of the types of weeds encountered. The manufacturer's written instructions and EPA criteria shall be strictly adhered to for application rates, etc. However, before any herbicide or insecticide is used on the project site, the Contractor shall notify the Owner of the types to be used, application rates, and all particulars with reference to chemical composition, and advise of any possible damage associated with the use of these products (i.e., to avoid personal contact with sprayed areas, etc.). Contractor must prove possession of appropriate applicators, proper protective clothing, and warning signage as required. Contractor must receive Owner's written approval prior to each application. Contractor will be totally responsible to remove and replace at the Contractor's expense, all plants damaged by chemical weed control, immediately upon notification from the Owner. Dead weeds larger than two inches in height or diameter must also be removed.

The Contractor is granted permission to use such fungicides, herbicides, and insecticides as it may be necessary and advantageous in grounds maintenance activities, relative to above stated specifications. Fungicides, herbicides, and insecticides must be used responsibly and in conformance with Federal, State and Local laws and regulations. The Contractor assumes all liability for damage and/or injury resulting from accident or misuse of these products and/or equipment. The Owner retains the right to prohibit the use of any fungicide, herbicide or insecticide that may be judged undesirable for any reason.

Products leaving an undesirable residue or odor (i.e., weed oil) shall not be used.

Apply natural horticultural oils or insecticides as needed to protect all plant materials from damage. The program shall include control of scale insects, aphids, lace bugs and other sucking insects, spider mites, etc., and advance preventive spraying for twig borers and pine beetles. The Contractor shall be responsible for the choice of chemicals and insecticides he or she uses and shall be accountable for any misuse of them.

Red ant control

Personnel shall be aware/alert for evidence of ants, at every mowing/weeding and spread material on pile immediately.

REFER TO EXHIBIT D FOR TREE, SHRUB AND GROUNDCOVER MANAGEMENT SCHEDULE

H. Irrigation Management

The Contractor shall be responsible for the operation of the automatic irrigation system, for setting and adjusting the time to insure proper watering.

The timer shall be checked as often as necessary to insure scheduling. The Contractor will not be responsible for the replacement of the pumping equipment. Any other equipment damaged by the maintenance operation shall be replaced with the same equipment and by the same manufacturer, at the expense of the maintenance contractor.

Monthly, the entire irrigation system shall be tested for operation status to include timing or zones, duration of watering, consistency of spray pattern, broken/missing heads, broken pipes, valves or connectors and condition of water source (pump or meter). Written report shall be submitted to the Owner delineating said inspection and any items needed for repairs and cost estimate for said repairs.

The irrigation system shall provide sufficient water to all lawns and shrub beds. The watering shall provide for a healthy landscape appearance. Recommended hours of operations shall be between the hours of 4:00 a.m. and 9:00 a.m., or as is necessitated by size of irrigated area.

Contractor shall be responsible for controlling the amount of water used for irrigation, and shall assume responsibility for any damage that results from over-watering or insufficient watering.

Water requirements – established landscapes

Ideal watering occurs just at the time the plant (including grasses) begin to show early signs of wilt. Set sprinklers to apply one-inch of water per five-day period. This can be accomplished in one or two applications.

Contractor is responsible for monitoring irrigation of all vegetation. Any irrigation problems observed that cannot be remedied by the post-mowing review must be brought to the immediate attention of the Owner.

GENERAL CLEAN-UP

The Contractor will be expected, as part of his routine maintenance, to help police the areas under his contractual maintenance. This will include removing any litter or fallen leaves and branches, replacing washed out mulch back into planters and help clean up any construction debris or soil which might accidentally accumulate in the respective maintenance area.

Termination of Maintenance Contract

If Owner fails to make payment for period of 90 days without written clarification, landscape maintenance contractor may, upon 12 additional days written notice to Owner, terminate contract and recover from Owner, payment for work executed and for proven loss sustained upon materials, equipment, or tools, including reasonable profit and damages applicable to Maintenance Contract.

If landscape maintenance contractor defaults, persistently fails, or neglects to carry out work in accordance with Maintenance Contract, Owner, after 12 days written notice to landscape maintenance contractor, and without prejudice to any other remedy, Owner may have, may make good such deficiencies and deduct cost, including compensation for additional services made necessary, from payment due landscape maintenance contractor, or Owner may terminate Maintenance Contract.

IV. Administration/Ownership

The proposed Greenway shall be owned and managed by the homeowner's association. The association shall be responsible for securing the proper professionals to implement, manage, and monitor the proposed management programs for conservation and recreation areas.

The programs are to be monitored on a yearly basis for an initial 3-year period for compliance of approved management requirements and strategies. The yearly evaluation shall also be submitted to Seminole County for review of compliance issues. A series of legal documents shall be generated to ensure compliance of approved programs.

The homeowner's association shall incur all associated management costs of the Greenway. The management costs are to then be distributed to the property owners at the discretion of the homeowner's association. An Opinion of Probable Management Costs has been provided for preliminary pricing which has been based on the Conceptual Landscape Plan. Refer to Exhibit E for preliminary management costs.

Myrtle Street Conservation Village

Exhibit B

Preliminary Native Plant Schedule								
CODE	BOTANICAL NAME	COMMON NAME	QTY	SIZE	(Ht. x Spd.)	PLANT	PLANT	(Flower Color)
					SPEC.	TYPE	USE	NOTES
AR	Acer rubrum 'Florida Flame'	Florida Flame Red Maple			T.B. D.	Tree		Red
AW	Acoelorrhaphe wrightii	Paurotis Palm			T.B. D.	Palm	Specimen	
BC	Bignonia capreolata	Cross Vine			T.B. D.	Vine	Screen	Red, Orange, Yellow
BN	Betula nigra 'Dura-Heat'	River Birch			T.B. D.	Tree	Wetland	White
CA	Crinum americanum	String Lily			T.B. D.	Accent	Specimen	White
CF	Canna flaccida	Canna Lily			T.B. D.	Accent	Wetland	Yellow
CF	Calycanthus floridus	Common Sweetshrub			T.B. D.	Med. Shrub	Specimen	Red
CV	Chionanthus virginicus	Grancy Graybeard			T.B. D.	Tree	Specimen	White
GS	Gelsemium sempervirens	Carolina Jessamine			T.B. D.	Vine	Screen	Yellow
HP	Hamelia patens	Firebush			T.B. D.	Med. Shrub		Red
IA	Ilex x attenuata 'East Palatka'	East Palatka Holly			T.B. D.	Tree		White
IC	Ilex cassine	Dahoon Holly			T.B. D.	Tree		White
IG	Ilex glabra	Inkberry			T.B. D.	Med. Shrub		Yellow
IP	Illicium parviflorum	Yellow Anise			T.B. D.	Tall Shrub		Yellow
IS	Iris sp.	Iris			T.B. D.	Accent	Wetland	Blue
IV	Ilex vomitoria 'Stokes Dwarf'	Yaupon Holly			T.B. D.	Med. Shrub		White
IVH	Itea virginica 'Henry's Garnet'	Virginia Sweetspire			T.B. D.	Med. Shrub	Wetland	White
JE	Juncus effusus	Softrush			T.B. D.	Aquatic	Wetland	Brown
LI	Lantana involucrata	Lantana			T.B. D.	Groundcover	Groundcover	White
LS	Liquidambar styraciflua	Sweet Gum			T.B. D.	Tree		Green/Yellow
MC	Myrica cerifera	Wax Myrtle			T.B. D.	Tall Shrub		Green
MC	Muhlenbergia capillaris	Muhlygrass			T.B. D.	Grass	Groundcover	Pink
MF	Myrcianthes fragrans	Simpson's Stopper			T.B. D.	Med. Shrub		White
MGA	Magnolia grandiflora 'Alta'	Alta Magnolia			T.B. D.	Tree	Specimen	White
MGD	Magnolia grandiflora 'D. D. Blanchard'	D. D. Blanchard Magnolia			T.B. D.	Tree		White
NS	Nyssa sylvatica	Black Gum			T.B. D.	Tree	Wetland	White
NS	Neprolepsis spp.	Boston Fern			T.B. D.	Fern	Groundcover	
OC	Osmunda cinnamomea	Cinnamon Fern			T.B. D.	Fern	Groundcover	
PC	Pontederia cordata	Pickernelweed			T.B. D.	Aquatic	Wetland	Purple
PCB	Prunus caroliniana 'Bright N' Tight'	Carolina Cherrylaurel			T.B. D.	Tall Shrub		White
PI	Passiflora incarnata	Passion Flower			T.B. D.	Vine	Screen	Lavender, White
PN	Paspalum notatum 'Argentine'	Argentine Bahiagrass			T.B. D.	Grass	Groundcover	
PO	Platanus occidentalis	Sycamore			T.B. D.	Tree	Canopy	Red
PT	Pinus elliotii	Slash Pine			T.B. D.	Tree	Screen	Yellow
QL	Quercus laurifolia	Laurel Oak			T.B. D.	Tree	Canopy	Brown
QS	Quercus shumardii	Shumard Oak			T.B. D.	Tree	Canopy	Brown

Myrtle Street Conservation Village

Exhibit B

Preliminary Native Plant Schedule								
CODE	BOTANICAL NAME	COMMON NAME	QTY	SIZE	(Ht. x Spd.) SPEC.	PLANT TYPE	PLANT USE	(Flower Color) NOTES
QV	Quercus virginiana	Live Oak			T.B. D.	Tree	Canopy	Orange
RC	Rhododendron canescens	Piedmont Azalea			T.B. D.	Med. Shrub		Pink, White
SB	Spartina bakeri	Sand Cordgrass			T.B. D.	Grass	Groundcover	Brown
SP	Sabal Palmetto	Cabbage Palm			T.B. D.	Palm	Canopy	White
SR	Serenoa repens	Saw Palmetto			T.B. D.	Med. Shrub	Screen	Yellow/White
TD	Taxodium distichum	Bald Cypress			T.B. D.	Tree	Wetland	Brown
TD	Tripsacum dactyloides	Eastern Gamagrass			T.B. D.	Grass	Groundcover	Brown
UP	Ulmus parvifolia 'Allee'	Allee Elm			T.B. D.	Tree	Canopy	Green
VO	Viburnum obovatum	Walter's Viburnum			T.B. D.	Med. Shrub	Wetland	White
ZP	Zamia floridana	Coontie			T.B. D.	Groundcover	Groundcover	

Myrtle Street Conservation Village

Exhibit C

Bahigrass Management Schedule													
Activity	Control Product	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Cultural Practices													
Weekly Mowing													
Biweekly Mowing													
Disease Control													
Foliar/Root Diseases (Dollar Spot)	As Dictated by Proper ID of Disease	_____											
Fertilization													
35-3-7 1# N/1,000 Sq. Ft.													
14-4-14 1#N/1,000 Sq. Ft.	Iron Product												
14-4-14 1#N/1,000 Sq. Ft.	Iron Product												
20-5-10 1#N/1,000 Sq. Ft.													
Insect Control													
Billbugs, Mole Crickets, White Grubs	As Dictated by Proper ID of Insect	_____											
Weed Control													
Preemergence													
Broadleaf Weeds	Pre-M												
Grassy Weeds	Pre-M												
Postemergence													
Broadleaf Weeds	As Dictated by Proper ID of Weed												

- Notes: 1. The above program is a preliminary management program for 'Argentine' Bahigrass.
2. All fertilizer and pest control products are to be applied by certified landscape and or pest control contractors.
3. The above program is subject to change at the discretion of the HOA and or landscape contractor.
4. The turf is to be irrigated on a regular basis until establishment. Once established, Bahigrass will retain minimal to moderate color during drought conditions.

Myrtle Street Conservation Village

Exhibit D

Tree, Shrub, and Groundcover Management Schedule													
Activity	Control Product	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Cultural Practices													
Pruning of Trees													
Trimming of Shrubs, Groundcovers													
Disease Control													
Foliar/Root Diseases	As Dictated by Proper ID of Disease												
Fertilization													
8-10-10 Label Rate	Micronutrients												
20-6-12 Label Rate	Micronutrients												
8-10-10 Label Rate	Micronutrients												
Insect Control													
Aphids, Lace Bugs, Spider Mites	As Dictated by Proper ID of Insect												
Weed Control/Ornamental Beds													
Preemergence													
Broadleaf Weeds	Pre-M												
Grassy Weeds	Pre-M												
Postemergence													
Broadleaf Weeds	As Dictated by Proper ID of Weed												

- Notes:
1. The above program is a preliminary management program for landscape and ornamental beds.
 2. All trees and shrubs are to be tip pruned and or trimmed once a month per International Society of Arboriculture standard practices to ensure proper structural growth.
 3. All fertilizer and pest control products are to be applied by certified landscape and or pest control contractors.
 4. The above program is subject to change at the discretion of the HOA and or landscape contractor.
 5. Fertilizers are not to be applied to native plant areas. Herbicides only, on an as needed basis may be applied to native plant areas.

Myrtle Street Conservation Village

Exhibit E

Opinion of Probable Management Costs			
Area	Description	Monthly Cost	Annual Cost
Aquatics	Aquatic Weed Control and Management		
	Preventative Herbicide Management		
	Water Additives for Algae Bloom Control		
	Total	\$310.00	\$3,720.00
* Costs based on management of (3) proposed wet retention areas. Approximately 4 acres of aquatic area.			
Conservation/Upland	Cultural Invasive Exotic Species Management		
	Chemical Invasive Exotic Species Management		
	Total	\$350.00	\$4,200.00
*Costs based on management of approximately 2 acres of conservation and upland areas.			
Landscape Management	Fertilizer/Insect/Weed Control Applications		
	Mowing of Bahiagrass/St. Augustinegrass		
	Periodic Pruning of Trees and Shrubs		
	Pruning/Weed Control in Landscape Buffer Areas		
	Total	\$4,750.00	\$57,000.00
*Costs based on approximately 8 acres of ornamental landscape and turf areas.			
Totals		\$5,410.00	\$64,920.00
Notes:			
1. Monthly and Annual Costs generated from local aquatic, conservation, and landscape management contractors.			
2. Monthly and Annual Costs have a fluctuation potential of 15% to 20% dependent on final selection of activity specific contractor.			
3. Monthly detailed reviews and service reports to be provided to HOA representatives.			
4. Yearly reviews and service reports to be submitted to Seminole County to ensure Conservation Guidelines set forth are maintained.			

AUG 11 2004

ORDINANCE NO. 2004-_____

SEMINOLE COUNTY, FLORIDA

ORDINANCE

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY BY CREATING PART 27, SECTIONS 30.481, 30.482, 30.483, 30.484, 30.485 AND 30.486; AMENDING SECTION 2.3; ADDING DEFINITIONS; CREATING THE URBAN CONSERVATION VILLAGE OVERLAY ZONING CLASSIFICATION; DELINEATING OVERLAY APPLICABILITY; DESCRIBING THE OVERLAY PURPOSE; PROVIDING TECHNICAL AND DESIGN STANDARDS; PROVIDING FOR DESIGN FLEXIBILITY; PROVIDING INCENTIVES; CREATING GREENWAY REQUIREMENT; DESCRIBING GREENWAY PERMITTED USES; REQUIRING GREENWAY MAINTENANCE; DESCRIBING APPLICATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Seminole County Board of County Commissioners is vested with authority to formulate zoning overlay classifications in order to guide land development in Seminole County; and

WHEREAS, the Board seeks to utilize such authority to encourage development of innovative design, attractive architecture, preservation of natural resources, integrated use of flood plains and natural drainage systems, and encourage interconnected communities; and

WHEREAS, the Board has determined that the best manner to achieve such high quality development is to offer incentives to developers which incorporate Conservation Village design techniques; and

WHEREAS, the Board has determined that large open space areas, made accessible to all Village residents for passive and

active recreation and used for preservation of natural resources and flood control, are valuable assets to any residential community; 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; and

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.

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

Section 1. Definitions. Chapter 2, Section 2.3, Land Development Code of Seminole County is hereby amended to add the following definitions:

Active Recreation: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields. To include playing fields, playgrounds, basketball and tennis courts and community pools.

Greenway: An area of undeveloped land, either retained in its natural state or landscaped, intended to be used for open space, conservation and/or permitted recreation.

Passive Recreation: Activity that involves relatively inactive pursuits not requiring buildings and not altering the soil or topography, such as open space and environmental areas. To include village greens, open space commons, picnic areas, community gardens and trails.

Primary Conservation Areas: Floodplains, wetlands and areas protected from development by federal, State or local regulations due to their ecological value.

Secondary Conservation Areas: Elements of a development site, such as woodlots and viewsheds, which are valuable or unique due to their ecological, aesthetic, historical or cultural significance but which are not protected from development by federal, State or local regulation.

Viewshed: Panoramic view of an aesthetically pleasing vista.

Section 2. Creation of Urban Conservation Village Design. Chapter 30, Part 27, Land Development Code of Seminole County is hereby created to read as follows:

PART 27. Urban Conservation Village Design.

Sec. 30.481. Applicability. The provisions of this Part may be applied only to detached single family residential development in the Myrtle Street Special Study Area, as described in the Future Land Use Element of the Seminole County Comprehensive Plan, which are designated as Suburban Estates on the Future Land Use Map. The provisions of this Part shall

constitute an optional zoning overlay classification known as the "Urban Conservation Village Design." The provisions of this Part shall govern and control development implemented pursuant to the Urban Conservation Village Design, and in that regard, in the event of a conflict between the provisions of this Part and any other provisions of this Code, the provisions of this Part shall govern. However, any development matters not specifically addressed by this Part shall be governed by the applicable sections of this Code.

Sec. 30.482. Purpose. The purpose of Urban Conservation Village Design is to create a flexible and incentive based framework for development of communities harmonious with a rural setting, to preserve the ecological and aesthetic benefits of undeveloped land, and to encourage innovative development techniques. In that regard, an Urban Conservation Village should include cluster development of residential units fronting upon large open spaces and greenways. More specifically, a Conservation Village design should promote the following values:

- (a) Sense of a neighborhood community;
- (b) High quality of life;
- (c) Reduced infrastructure needs and costs;

(d) Protection, preservation and creation of attractive and easily accessible open spaces, greenways and outdoor recreational activities;

(e) Protection of floodplains, wetlands and wildlife habitats; and

(f) Preservation of natural drainage flows.

Sec. 30.483. Development Restrictions, Incentive and Flexibility. An Urban Conservation Village development shall have design flexibility within the following technical framework:

(a) It is the intent of this Part to encourage clustering and other innovative design techniques in order to preserve large open spaces and greenway areas for the benefit of all Village residents. In that regard, lot sizes may be smaller than is commonly accepted; provided however, that such lot size must be sufficient to satisfy the purposes of this Part.

(b) It is the intent of this Part to encourage clustering and other innovative design techniques in order to preserve large open spaces and greenway areas for the benefit of all Village residents. In that regard, yard setbacks may be smaller and residential structures may be located closer to internal roads than is commonly accepted; provided however, that front, side and rear yard setbacks shall be of sufficient size that the

purposes of this Part are satisfied and comply with the following standards:

(1) Residential structures, excluding privacy fences, must be set at least 140 feet back from the center line of Myrtle Street.

(2) Residential structures must be set at least 35 feet back from the right-of-way line of any other rights-of-way external to the development.

(3) Residential structures must be set at least 35 feet back from the boundaries with any external developments.

(c) A buffer of at least fifteen (15) feet, consisting of natural vegetation and landscape materials as approved in the Greenway Ownership and Management Plan, must be located along all external development boundaries (except for the boundary fronting on Myrtle Street.)

(d) Each lot shall provide at least four (4) off-street parking spaces. Garage parking spaces may be counted toward this requirement.

(e) The allowable density for a Conservation Village shall be calculated pursuant to Section 30.1359 of this Code, as amended, exclusive of Primary Conservation Areas and roads.

(f) Notwithstanding the foregoing, a density of two (2) units per net buildable acre shall be permitted if all of the following conditions are met:

(1) The development is connected to central water and sewer.

(2) The development incorporates stormwater volume reduction by retaining on-site the difference between pre-development and post-development runoff volume for a 25-year/24-hour storm event with recovery of seventy-five percent (75%) of volume within seventy-two (72) hours of the storm event.

(3) The development integrates stormwater quality treatment through an offline stormwater management system which incorporates sediment forbays equal to one-half ($\frac{1}{2}$) of the water quality volume, as required by St. John's River Water Management District, upstream of water quality treatment areas.

(4) The development implements a Greenway Ownership and Management Plan regarding its primary conservation and greenbelt areas.

(g) In order to implement the purposes of this Part, the following technical standards are required:

(1) That fences, pools and other residential structures be located no closer than twenty-five (25) feet from Secondary Conservation Areas.

(2) That the visual impact of houses on exterior lots be minimized by use of existing vegetation or planting of additional landscaping per the requirements of the approved Greenway Ownership and Management Plan.

(3) That residential lots be accessed from interior streets unless provision of such access cannot be reasonably provided.

(4) That at least sixty percent (60%) of the residential lots abut, or be located across a street from, greenway land.

(5) No fences with opacity of greater than fifty percent (50%), nor any walls, nor any berms of over three (3) feet in height shall be allowed within 120 feet of the Myrtle Street center line.

(6) That sidewalks be provided on at least one side of all internal streets.

(7) Street lighting shall be designed such that there is no light spillage of greater than one-half (1/2) foot candle onto properties adjacent to the Conservation Village or onto conservation areas.

Sec. 30.484. Required Greenway.

The creation of greenways is a primary goal and feature of Urban Conservation Village development. In that regard, a

minimum of fifty percent (50%) of any Conservation Village development must be preserved under a conservation easement as greenway land. Calculation of this fifty percent (50%) requirement shall be subject to the following conditions:

(a) Greenways shall be designed to:

(1) Foster an interconnected network of open space and trails, accessible to neighborhood residents, within the Conservation Village and connection to offsite open space.

(2) Afford convenient access to all Village residents, except so far as such access would damage ecologically sensitive areas or infringe upon active agricultural lands.

(3) Incorporate and protect the following resources:

(A) Stream channels, floodplains, swales, springs and other lowland areas.

(B) Habitat of endangered, threatened, or species of special concern.

(C) Groundwater recharge areas.

(D) Woodlands, large individual trees of botanic significance, or other vegetation features representing the site's rural past.

(E) Historic structures and sites.

(G) Scenic viewsheds.

(H) Trails which connect internal lots to open space and adjacent properties.

(4) Lack man-made structures except for historic buildings, approved walls and approved facilities associated with greenway use.

(5) Utilize at least sixty (60%) of the required greenway in a single consolidated tract connected to other internal and external greenway tracks which may be of smaller size.

(b) The greenway requirement shall be calculated based upon the net acreage of the development exclusive of Primary Conservation Areas and water bodies.

(c) Only lands encumbered by perpetual conservation easements and active agricultural lands may be counted toward the greenway requirement. The terms of a conservation easement shall be flexible to allow for various uses and circumstances, provided that at a minimum, the conservation easement complies with the requirements of Section 704.06, Florida Statutes, as amended, and that the conservation easement include the following encumbrances:

(1) The easement shall be perpetual in nature and run with the land;

(2) The easement shall prohibit any development other than that listed in subsection (d) below;

(3) Except as required for permitted development, permitted landscaping, routine maintenance, removal of invasive species or as specifically provided otherwise, there shall be no removal, destruction, or cutting of trees, shrubs, or other vegetation within the easement area and the land within the easement area shall be allowed to grow in its natural state with supplemental native flora as indicated in the Greenway Ownership and Management Plan;

(4) There shall be no advertising within the easement area;

(5) There shall be no dumping of soil, trash, ashes, garbage, waste or other unsightly or offensive material, except as necessary for fertilization;

(6) There shall be no excavation, dredging or removal of loam, gravel, soil, rock, sand, or other material, except as necessary for agricultural activities, landscaping within the easement area or construction of approved easement amenities and facilities;

(7) Unless specifically permitted otherwise, there shall be no activities, actions, or uses detrimental or adverse

to water conservation, erosion control, soil conservation or fish, wildlife or habitat preservation; and

(8) The easement may only be released as provided by Section 704.06, Florida Statutes, as amended.

(d) In addition to maintenance of land in its natural state, the following uses are permitted in the greenway so far as specifically enumerated by the applicable conservation easement:

(1) Pasture for sport use of horses and equestrian facilities; provided however, that the aggregate greenway is at least 25 acres in size and that such facilities utilize less than 50% of the greenway;

(2) Neighborhood recreational uses such as village greens, open-space commons, picnic areas, community gardens, trails and similar low-impact natural uses;

(3) Neighborhood recreation areas, such as playing fields, playgrounds, bikeways, tennis courts, basketball courts and community pools; provided however, that such uses consume no more than five (5) acres or half of the minimum required greenway (whichever is less.) Further provided that tennis, basketball and pool amenities may not be larger than one (1) acre of the minimum greenway area requirement. Also provided that playing fields and courts shall be located at least fifty

(50) feet away from all external boundaries and one hundred and forty (140) feet from the centerline of Myrtle Street.

(4) Stormwater retention areas which are designed and landscaped as an aesthetic asset to the greenway;

(5) Easements for drainage, access, sewer or water lines; and

(6) Bona fide agricultural activities.

(e) Utilities and streets may traverse the greenway as necessary for safe and efficient flow of traffic; provided however, that areas in which above-ground utility structures and streets traverse the greenway may not be counted toward the minimum required greenway land.

(f) Where the Conservation Village adjoins active recreational public parkland, a greenway buffer shall be provided along the boundary with the parkland. No structures may be constructed within this buffer except as associated with pedestrian trails. Vegetative planting and/or removal of invasive exotic plants may be required within this buffer.

Sec. 30.485. Ownership and Maintenance of Greenway Land and Common Facilities.

(a) Greenway conservation easements may be dedicated to the following entities:

(1) A mandatory homeowners association which has authority and responsibility to assess membership fees for the maintenance of greenway and open space areas;

(2) A non-profit land trust or other conservation organization; or

(3) Seminole County, provided that the County approves of such dedication and that, unless specifically ordered otherwise, the County maintains no responsibility for the maintenance of any easement property or facilities.

(b) Regardless of what entity assumes the conservation easement, there may also be established concurrently with the easement a maintenance endowment to fund perpetual care and maintenance of the greenway, other open spaces and their associated facilities.

Sec. 30.486. Application Process.

The application process for the Urban Conservation Village overlay designation shall include approval of a Preliminary Plan, a Final Master Plan and a Developers Commitment Agreement. The requirements for each plan are as follows:

(a) During the Preliminary Plan approval process the applicant shall provide, in addition to the requirements of Section 35.43 of this Code, the following:

(1) A series of sketches to indicate the following aspects of the proposed development (to be designed in an overlay fashion such that each subsequent sketch incorporates the information contained in the prior sketch(es), creating a composite sketch of all foregoing information.)

(A) A sketch of the site (and to the extent possible, adjacent properties) including all of the following:

(i) Primary and Secondary Conservation Areas;

(ii) Easements, roads and trails located within the site and within 200 feet of the site;

(iii) Prominent viewsheds; and

(iv) Historically, ecologically or culturally significant sites.

(B) A sketch of proposed greenways and other open space.

(C) A sketch of proposed locations for structures.

(2) A vertical aerial photograph of the site to a scale of not less than one (1) inch equals four hundred (400) feet.

(3) An account of the total acreage to be placed under a conservation easement, the acreage available for development, the estimated total number of residential units to

be constructed and statement as to whether a density incentive will be sought.

(4) The Greenway Ownership and Management Plan, which shall detail the following:

(A) What entity(ies) will own the dominant and/or servient estates under the conservation easement(s);

(B) What entity(ies) will assume responsibility for operation and maintenance of the conservation easement areas and associated facilities;

(C) The proposed schedule and estimated cost of operation and maintenance of the conservation easement areas and associated facilities;

(D) The funding source or method for operation and perpetual maintenance of the conservation easement areas and associated facilities; and

(E) The landscape architecture, vegetation to be used, placement of amenities (including but not limited to facilities and infrastructure) and best management practices for soil and water conservation techniques to be implemented within the conservation easement areas.

(b) The Preliminary Plan shall be reviewed by the Planning and Zoning Board for its recommendation then forwarded to the Board of County Commissioners for approval or denial.

(c) During the Final Master Plan approval process, the applicant shall provide a Final Master Plan and Developers Commitment Agreement incorporating a finalized proposal for the development, which should, at a minimum include a detailed analysis of all development issues addressed during the Preliminary Master Plan approval process.

(d) The Final Master Plan and Developers Commitment Agreement shall be approved or denied by the Board of County Commissioners.

Secs. 30.487-30.500. Reserved.

Section 3. 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 4. 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 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 ___ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

KC/SL/gn 8/11/04
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