

Exhibit C
Land Development Code and Comprehensive Plan References

Sec. 30.109. Optional cluster provisions.

The purpose of these optional cluster provisions is to preserve open space along roadway corridors, preserve open space in rural residential areas, preserve natural amenity areas, enhance the rural character of the area and ensure that development along the roadway corridors improves or protects the visual character of the corridor. Developers or property owners may elect to cluster development in the A-10, A-5 and A-3 zoning districts provided that the area not devoted to development shall be preserved through a perpetual open space easement. Cluster developments should be located on the property so as to minimize incompatibility with neighboring lower density developments where homes are not clustered. The approval for clustering shall be granted during the platting process and must meet the following conditions:

- (a) An application to plat the property shall include a specific development plan for the entire site which includes both the specific locations of lots on-site and that identifies all remaining open space not platted as a lot that is to be included in the open space easement. A development order will be recorded with the final plat specifying that this open space easement shall be perpetually restricted to open space and may be utilized for active agricultural use including, but not limited to, citrus or other fruit or vegetable crops, grazing and pasturing of animals and, in some cases, silviculture.
- (b) All platted lots must contain, at a minimum, one (1) net acre of buildable land and have a minimum width at the building line of one hundred (100) feet.
- (c) In the A-3 zoning district, the overall net density of the project, including the land contained in the open space easement, shall not exceed one (1) dwelling unit per three (3) net buildable acres.
- (d) In the A-5 zoning district, the overall net density of the project, including the land contained in the open space easement, shall not exceed one (1) dwelling unit per five (5) net buildable acres.
- (e) In the A-10 zoning district, the overall net density of the project of one (1) dwelling unit per ten (10) net buildable acres may be increased up to one (1) dwelling unit per five (5) net buildable acres by utilizing the clustering provisions provided herein. The density bonus may be awarded based on the amount of buildable land preserved as open space. Each project would be authorized a total of two (2) dwelling units for each eight (8) buildable acres of land that would be preserved under an open space agreement.
- (f) All remaining open space shall be preserved in perpetuity through the use of an open space easement. The easement shall be in such form as is deemed acceptable by the County Attorney and shall be recorded for the entire property which is subject to development including both the residential lots and the remaining open space. Such perpetually restricted open space may be in active agricultural use including, but not limited to, citrus or other fruit crops, grazing and pasturing of animals and silviculture, but only as set forth in the open space easement.

(Part XXIV, § 2, Ord. No. 92-5, 3-30-92).

Sec. 30.111. Open space easement.

The following open space easement form is adopted as an approved form consistent with the provisions of this Code:

OPEN SPACE EASEMENT

THIS INDENTURE, made this day of _____, 19__.

W I T N E S S E T H:

WHEREAS, _____, whose address is _____, (hereinafter, together with [his/her] heirs and assigns, called the "grantor"), is the owner in fee simple of certain real property described in and depicted on Exhibit A attached hereto (hereinafter called the "Protected Property");

WHEREAS, the grantor desires and intends to establish a limited range of allowable uses of the protected property to maintain a desirable environment for rural residential living at a low density of development [in conjunction with the preservation of a portion of the protected property for agricultural purposes];

WHEREAS, the grantor also desires and intends that the ecological and aesthetic values of the protected property including, without limitation, scenic views over a large open space, be preserved and maintained;

WHEREAS, the grantee (hereinafter, together with its successors and assigns, called the "County") is Seminole County, a political subdivision of the State of Florida, whose address is 1101 East First Street, Sanford, Florida 32771;

WHEREAS, the grantor and the grantee, by the conveyance to the grantee of a open space easement on, over and across the protected property, desire to prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this open space easement;

WHEREAS, the grantee is willing to accept this open space easement subject to the reservations and to the covenants, terms, conditions and restrictions set out herein and imposed hereby,

NOW, THEREFORE, the grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions and restrictions hereinafter contained, and as an absolute and unconditional gift, does hereby give, grant, bargain, sell and convey unto the grantee, forever, a open space easement in perpetuity on, over and across the protected property consisting solely of the following:

- (a) The right of the grantee to view the protected property in its scenic and open condition at ground level from adjacent publicly accessible roadways and property;
- (b) The right of the grantee to enforce, by proceedings at law or in equity, the covenants hereinafter set forth, it being agreed that there shall be no waiver or forfeiture of the grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
- (c) The right of the grantee to enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the grantee, the grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, except in connection with the uses expressly permitted by this open space easement, the grantor, without the prior written consent of the grantee, shall not do the following on the protected property:

- (a) Construct or place buildings or other structures, camping accommodations or mobile homes, commercial advertising signs, billboards or other advertising material or make any other structures or improvements on the protected property;

- (b) Excavate, dredge, fill, mine, dike, drill or change the topography of the protected property or its present condition in any manner except as may be required for agricultural uses expressly reserved by the grantor;
- (c) Cut live trees or other non-agricultural vegetation, except as determined by the grantee to be necessary to protect the natural, scenic, open space and ecological values of the protected property, to prevent imminent hazard, disease or fire or to restore natural habitat or native vegetation;
- (d) Alter or manipulate ponds and water courses or remove water therefrom;
- (e) Further subdivide the protected property in any manner;
- (f) Pave or cover the protected property with concrete, asphalt or any other impervious surface;
- (g) Dump, place or store ashes, trash, garbage, vehicle bodies or parts or other unsightly or offensive material; provided, however, that the grantor may employ sound conservation practices, such as prescribed burning and brush control, in order to restore and manage the natural resources on the protected property; or
- (h) Permit or allow the operation of dune buggies, motorcycles, all terrain vehicles or any other type of motorized vehicle on the protected property.

TO HAVE AND TO HOLD the said open space easement unto the grantee forever.

Except as expressly limited herein, the grantor reserves all rights as owner of the protected property including, but not limited to, the right to use the protected property for [only those agricultural and grazing uses and the residential uses hereinafter described and agreed to by the County], and all other purposes not inconsistent with this grant.

NOTE:

The following uses are an example of uses which could be permitted consistent with the open space purposes of the open space easement. The uses reserved to the grantor would need to be adapted to the particular circumstances of each case.

The grantor may establish only the following uses on the protected property on those portions of the protected property depicted on Exhibit B attached hereto:

- (a) Agriculture or grazing and accessory buildings or structures (the "agricultural use"); and

NOTE:

Depending on the nature of the agricultural use and the particular parcel of property involved, the agricultural use could be subject to further restrictions in terms of total area. Also, silviculture could be substituted for agriculture.

- (b) Single-family residential detached dwellings and accessory buildings or structures (the "residential use").

Accessory means that which is of a nature customarily incidental and subordinate. With respect to the residential use, however, accessory buildings or structures shall include only the following: garages, storage sheds, swimming pools and accessory buildings, septic fields, wells, improved or unimproved roads and rights-of-way to and between any permitted improvements and exterior roads, and water retention and detention facilities.

NOTE:

These densities are hypothetical only and are only intended to illustrate the options available.

The density of single-family residential detached dwellings on the protected property shall not exceed one (1) single-family residential dwelling per ten (10) acres, or, if such dwellings are clustered, the gross density of such dwellings shall not exceed one (1) dwelling per five (5) acres. "Density" means the ratio between the total number of dwellings on the protected property and the land area of the protected property including interior streets and

the centerlines of peripheral streets and common use areas. "Clustered" means a grouping of buildings such that all of the single-family residential dwellings and accessory buildings and structures are located at a single location on the protected property on lots of one (1) net buildable acre which location must be approved by the grantee for its consistency with the purposes of this open space easement.

The protected property may be subdivided only to provide for the residential use and may be improved with fencing only if necessary to buffer the residential from the agricultural use.

By its acceptance hereof, the grantee agrees as follows:

- (a) That, if its rights herein are assigned or transferred, to assign or transfer this open space easement only to an assignee or transferee who expressly agrees in the instrument of conveyance to continue to carry out the preservation purposes which this instrument was intended to advance and, in such event, only: (1) to an organization qualifying as an eligible donee under the Internal Revenue Code of 1954, as amended from time to time, and the regulations promulgated thereunder; or (2) to an agency of the State of Florida; or (3) to a unit of local government; or (4) to a not-for-profit corporation or trust whose primary purposes include the preservation of land, natural areas, open space or water areas, or the preservation of native plants or animals, or biotic communities;
- (b) That in the event the grantee or its successors or assigns acquires the fee simple interest in and to the protected property, it shall not cause or permit the merger of such fee simple interest and the open space easement except for valid public purposes as determined by the grantee;
- (c) That each subsequent instrument of conveyance shall expressly require the assignee or transferee to be bound by the terms and provisions hereof including, without limitation, the agreements of the grantee as set forth herein;
- (d) That, if a subsequent unexpected change in the conditions surrounding the protected property makes impossible or impractical the continued use of the protected property for preservation purposes, and if this open space easement is extinguished by judicial proceeding, then all of the grantee's proceeds from the sale, exchange or involuntary conversion of the protected property shall be used by the grantee in a manner consistent with the preservation purposes which this open space easement was intended to advance and otherwise consistent with the public interest as determined by the grantee.

The grantor and the grantee each agree that the donation of this open space easement gives rise to a property right, immediately vested in the grantee. [Grantee acknowledges that grantor has independently obtained an appraisal of the protected property to which grantee has not been a party or participated therein.]

[The grantor agrees that for purposes of determining the distribution of proceeds in the event that this open space easement is extinguished by judicial proceedings, the grantee's share of such proceeds shall be _____% of the fair market value of the protected property, and the grantee is willing to accept such percentage.]

The grantor and, by acceptance hereof, the grantee, agree further as follows:

- (a) Whenever the grantee's approval is required hereunder, such approval may be withheld only upon a reasonable determination by the grantee that the action as proposed would be inconsistent with the purposes of this open space easement.
- (b) Nothing contained in this open space easement shall be construed to entitle the grantee to bring any action against the grantor for any injury to or change in the protected property resulting from causes beyond the grantor's control including, without limitation, fire, flood storm and earth movement, or from any action taken by the grantor under emergency conditions to prevent, abate or mitigate significant injury to the protected property resulting from such causes.
- (c) No right of access by the general public to any portion of the protected property is conveyed by this open space easement, but this provision shall not be deemed to affect the right of the grantor to grant such access.

- (d) The interpretation and performance of this open space easement shall be governed by the laws of the State of Florida.
- (e) If any provision of this open space easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this open space easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- (f) Exhibit A, attached hereto, a legal description of this open space easement, is hereby made a part hereof.
- (g) The covenants, terms, conditions and restrictions set forth in this open space easement shall be binding upon the grantor and the grantee and their respective agents, personal representatives, heirs, successors and assigns, and shall constitute a servitude running with the protected property in perpetuity. In addition to all other covenants of title, this conveyance includes the covenant of further assurances. (Additional covenant language follows).

(COVENANTS OF TITLE)

IN WITNESS WHEREOF the Grantor has set [his/her] hand the day and year first above written.

	GRANTOR:
_____	_____
_____	_____
This instrument was prepared by:	

(STANDARD ACKNOWLEDGMENT)

ACCEPTANCE

The foregoing open space easement is hereby duly accepted by the grantee, Seminole County, this _____ day of _____, 19____, and the grantee agrees to be bound by the terms and provision set forth herein.

(STANDARD COUNTY SIGNATURE BLOCK)

EXHIBIT A

Legal Description of Protected Property

[TO BE INSERTED]

(Part XXIV, § 2, Ord. No. 92-5, 3-30-92).

PART 54. AQUIFER RECHARGE OVERLAY ZONING CLASSIFICATION

Sec. 30.1021. Creation of aquifer recharge overlay zoning classification.

In addition to and supplemental to all Seminole County zoning requirements and land development regulations heretofore and hereafter established by designated zoning categories and classifications, there is hereby created an overlay zoning classification known as the "Aquifer Recharge Overlay Zoning Classification". Property within the land use regulatory jurisdiction of the County as hereinafter defined, shall be subject to all provisions herein.

(Part XXXVIII, § 1, Ord. No. 92-5, 3-30-92).

Sec. 30.1022. Purpose.

The Floridan aquifer is the most important source of potable water supply in Seminole County, Florida. The County desires to maintain an active role in protecting this sensitive natural resource through enactment of appropriate regulatory measures and coordination with federal and state agencies and other local governments. Accordingly, the purpose of this part is to safeguard the public health, safety and welfare of the people of the County by protecting, preserving and maintaining the functions of the most effective recharge areas within unincorporated Seminole County. Preservation of the most effective recharge areas is necessary to maintain an acceptable quantity and quality of available potable water resources. This shall be accomplished by regulating development activities which may contribute to the degradation of the aquifer, reduce natural recharge and severely disrupt the natural flow regimes.

(Part XXXVIII, § 2, Ord. No. 92-5, 3-30-92).

Sec. 30.1023. Scope and authority.

The Aquifer Recharge Overlay Zoning Classification shall be considered as overlaying other zoning classifications. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to compliance with the provisions of this classification. If conflicts should arise between the zoning supplemental regulations herein and any other existing regulations, the more restrictive regulations shall apply.

(Part XXXVIII, § 3, Ord. No. 92-5, 3-30-92).

Sec. 30.1024. Affected area.

- (a) There is hereby established within the unincorporated area of Seminole County an aquifer recharge protection district consisting of the most effective recharge area as herein determined by data provided by the United States Geological Survey, the Soil Conservation Service and the St. Johns River Water Management District. The provisions of this part shall apply to all development within the most effective recharge area as depicted in an attachment to this part. Most effective recharge areas can be more accurately defined by a combination of soil types and hydrology. The soil conservation service has categorized soils according to hydrologic characteristics and these categorizations shall be used in part to determine the most effective recharge areas.
- (b) The most effective recharge areas for the Floridan aquifer in Seminole County are shown in the Appendix and have the following characteristics:

- (1) The natural surface drainage system is poorly developed and the amount of runoff with respect to rainfall is relatively low;
- (2) The potentiometric surface of the Floridan aquifer may show "bulges" as found, for example, in the Geneva area of eastern Seminole County;
- (3) The mineralization of water in the Floridan aquifer is less than that in the poor and very poor recharge areas;
- (4) The land surface and the water table are many feet above the potentiometric surface of the Floridan aquifer and the confining layer is either permeable/semipermeable or wholly absent; such areas are characterized by many closed depressions, lakes and ponds which may indicate past sinkhole activity;
- (5) The soils are generally well drained. Recharge rates in the most effective recharge areas range from ten (10) inches to as much as twenty (20) inches of rainfall annually.

(Part XXXVIII, § 4, Ord. No. 92-5, 3-30-92).

Sec. 30.1025. Recharge area designation.

An applicant may object to the designation of land as a most effective recharge area by demonstrating through the submittal of competent expert evaluations including, but not limited to, data derived from soil analyses and sampling and hydrological studies, to the Development Review Manager that the land does not have the associations and characteristics set forth in this part. If the Development Review Manager concurs with the evaluations submitted by the applicant, these provisions shall not apply to the subject land.

(Part XXXVIII, § 5, Ord. No. 92-5, 3-30-92).

Sec. 30.1026. Off-street parking and landscaping regulations.

In addition to all other provisions in this Code, the following provisions shall apply:

- (1) With the exception of handicapped parking spaces, a minimum of ten (10) percent but no more than twenty-five (25) percent of the total number of required off-street parking spaces shall not be paved. In addition, all parking spaces exceeding the minimum number shall not be paved. These spaces shall be clearly delineated on the site plan and located at the periphery of the building site or otherwise located where they are unlikely to be used on a continuing basis. All accessways and aisles serving these spaces shall be paved. Grass, mulch, gravel, turf block or any durable dust free surface shall be used in the unpaved spaces if permitted by state law.
- (2) With the exception of parking spaces that are required by law to be of certain dimensions or of a certain area, a maximum reduction of up to two (2) feet from the required depth of a parking stall and one (1) foot from the required width of a parking stall shall be permitted for paved parking spaces.
- (3) The Planning Manager may permit shared parking facilities for those projects located within the higher intensity planned development land use designation.
- (4) Reasonable efforts shall be made in the design and construction of all site improvements and alterations to save existing trees and native vegetation. Existing native vegetation that is specified to remain shall be preserved in its entirety with all trees, understory and ground cover left intact. Every effort shall be made to minimize alteration of the existing topography to preserve existing vegetation and maintain natural flow regimes.

(Part XXXVIII, § 6, Ord. No. 92-5, 3-30-92; Part XIV, § 1, Ord. No. 93-1, 2-23-93; Ord. No. 02-53, § 1, 12-10-02).

Sec. 30.1027. Development standards.

- (a) *Impervious area.* 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. Pervious areas may be used to satisfy landscaping, setback, buffer strip, drain field and passive recreation area requirements or any other purpose not requiring covering with a material which prevents infiltration of water into the ground.
- (b) *Stormwater detention.* To the extent permitted by the St. Johns River Water Management District and/or the Florida Department of Environmental Protection, the multiple use of on-site wetlands for the detention of stormwater shall be highly encouraged. Any stormwater management system incorporating wetlands for stormwater treatment shall comply with Chapter 40C-42, F.A.C., as amended, or its successor provisions, Design and Performance Criteria for Wetland Stormwater Management Systems.
- (c) *Runoff.* Each parcel shall be developed to maximize the infiltration of natural rainfall into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces should be diverted into swales or terraces on the parcel when possible. Runoff from driveways, roofs or other impervious areas should be diverted so as to flow over grassed areas prior to flowing into any drainage system whenever possible.

(Part XXXVIII, § 7, Ord. No. 92-5, 3-30-92; Ord. No. 95-4, § 19, 6-26-95).

Sec. 30.1028. Post-development recharge standards.

Land alteration in conjunction with development should not significantly alter the recharge or storage characteristics of the site including, but not limited to, the removal of high permeability soils or replacement with lower permeability soils. Post-development groundwater infiltration rates and volumes within the most effective recharge areas must meet the following standards:

- (1) Three (3) inches of runoff from the directly connected impervious area are required within the project boundary; however, an applicant may demonstrate to the County Engineer or his or her designee and the County Engineer or his or her designee may find that the post-development recharge will be equal to or greater than the pre-development recharge. This standard may be achieved by means of natural infiltration, ponding for stormwater retention or detention, structural exfiltration systems or any other method which complies with the requirements of the Seminole County, Florida Public Works Engineering Manual described in Section 5.20(a) of this Code.
- (2) Developed sites are required to retain the total difference between the pre-development and post-development runoff volume as generated by a 25-year frequency, twenty-four (24) hours duration storm event.
- (3) Development sites are required to detain stormwater for a period of time sufficient to ensure that the recharge potential of the site in its pre-development condition is not significantly affected. The County Engineer or his or her designee may require an applicant for development within the most effective recharge areas to submit reasonable and necessary information, studies or data to determine the pre-development and post-development recharge rates.
- (4) Runoff must be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices and subject to industry accepted Best Management Practices (BMPs). For projects with substantial amounts of paved areas (for example, shopping centers and high density developments) provision must be made for removal of oil, grease and sediment from stormwater discharges.

(Part XXXVIII, § 8, Ord. No. 92-5, 3-30-92; Part XIV, § 2, Ord. No. 93-1, 2-23-93; Ord. No. 2014-9, § 5, 2-11-14).

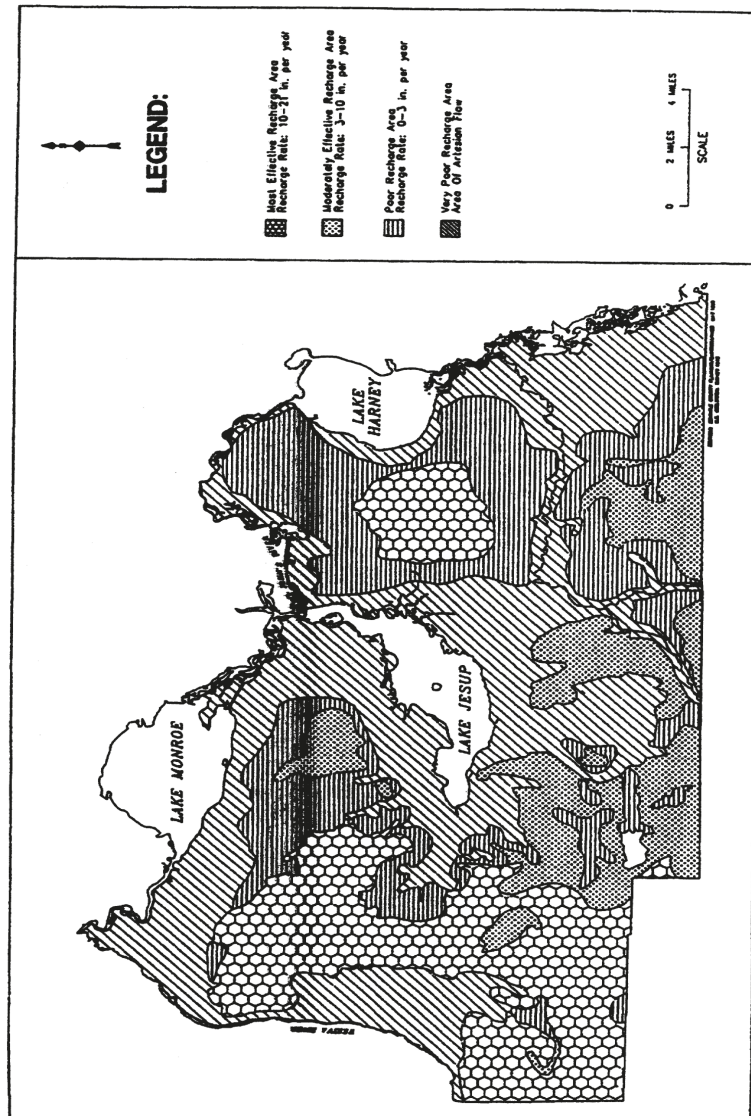
Sec. 30.1029. Site plan review requirements.

In addition to the requirements of Chapter 40 of this Code, the following information shall be included on-site plans:

- (1) Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling or disposal of hazardous substances.
- (2) Location of all underground and aboveground storage tanks for such uses such as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage and collection of contaminated stormwater or wash water and all similar uses.
- (3) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater. The point of discharge for all drains and pipes shall be specified on the site plan. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

(Part XXXVIII, § 9, Ord. No. 92-5, 3-30-92).

Secs. 30.1030—30.1040. Reserved.



Recharge Areas of Seminole County

PART 57. ECONLOCKHATCHEE RIVER PROTECTION OVERLAY STANDARDS CLASSIFICATION

WHEREAS, the Econlockhatchee River Basin is located, in part, in Seminole County, Florida and includes the Big Econlockhatchee River and its tributaries (one of which is the Little Econlockhatchee River); and

WHEREAS, the Econlockhatchee River Basin is graphically depicted in Exhibit "A", which exhibit is attached hereto and incorporated herein as if fully set forth herein verbatim; and

WHEREAS, the property within Seminole County that is located within the Econlockhatchee River Basin involves more than five (5) percent of the total land area of Seminole County; and

WHEREAS, the Econlockhatchee River Basin contains a diverse and unique ecosystem which, at the time of the enactment of this part, is largely undeveloped; and

WHEREAS, growth and development pressures that are being experienced in the Central Florida area, generally, and in Seminole County, specifically, are likely to be particularly detrimental to the Econlockhatchee River Basin absent effectual regulation; and

WHEREAS, the St. Johns River Water Management District has commissioned a two phase program to develop a Basin-wide Natural Resources Development and Protection Plan for the Econlockhatchee River Basin; and

WHEREAS, Phase I of the Econlockhatchee River Basin Study, dated October, 1990, has been completed and has been utilized in formulating the provisions of this part; and

WHEREAS, the Econlockhatchee River Basin Task Force has issued final recommendations to local governments based on the results of Phase I of the Econlockhatchee River Basin Study; and

WHEREAS, the Board of County Commissioners of Seminole County, Florida (hereinafter referred to as the "Board" or the "County" depending upon the context; provided, however, that when determinations are to be made by the County under the provisions of this part said determinations shall be made by the County staff delegated the particular responsibility or function) has found and determined that, for the sake of the health, safety and welfare of the people of Seminole County, special land development regulations to facilitate a balance between private property rights, development and growth and the ecological and aesthetic well-being of the Econlockhatchee River Basin need to be promulgated and enacted in order to prevent public harms that would likely result without the protections afforded by such special land development regulations; and

WHEREAS, if the environmental integrity of the Econlockhatchee River Basin and the surface and groundwater resources it represents can be protected, then the capacity of Seminole County as a whole to sustain and support sound economic growth is enhanced; and

WHEREAS, the Board believes that it is in the best interests of the people of Seminole County to review and consider the incorporation of appropriate recommendations of the Econlockhatchee River Basin Task Force and Study into the Seminole County Comprehensive Plan and the Land Development Code of Seminole County after public input has been solicited and considered and all required public hearings have been held; and

WHEREAS, to implement the recommendations of the Econlockhatchee River Basin Task Force and Study, the Board finds and determines that it is necessary and desirable to adopt the land development regulations as set forth herein which provide for the minimal impact to private property rights while facilitating the protection of the Econlockhatchee River Basin and, further, finds and determines that such land development regulations shall be applied to all development projects within the Econlockhatchee River Basin on a project by project basis as specified herein when those applications are processed through the established development review process and procedures of Seminole County; and

WHEREAS, accordingly, the Board hereby finds, determines and declares that the land development regulations set forth in this part are critically important to the successful implementation of the Econlockhatchee

River Basin Study in order to prevent public harms that would otherwise occur and to address public harms that may have previously occurred and in order to protect and preserve the future well being of this regionally unique and environmentally sensitive area and natural resources.

(Whereases, Ord. No. 91-9, 6-25-9; Whereases, LDC, through Supp 16).

Sec. 30.1081. Creation.

In addition to, and supplemental to, all Land Development Code requirements and land development regulations heretofore or hereafter established, there is hereby created an overlay zoning classification known as the "Econlockhatchee River Protection Overlay Standards Classification". Property located within the land use regulatory jurisdiction of the County and within the Econlockhatchee River Basin, as hereinafter defined, shall be subject to the provisions and requirements set forth in this part in addition to all underlying and overlaid zoning classifications assigned to the property by the County.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.861, LDC, through Supp 16).

Sec. 30.1082. Statement of purpose.

The purpose of this part is to prevent, avoid and deter public harms by protecting the public's historical interests and the future interests of the public in the important and sensitive natural resources of the Econlockhatchee River Basin ecosystem by balancing development and growth and private property rights with the public's rights and the public policy to protect environmental resources in the least intrusive manner feasible under the circumstances. The purpose of this part is also to establish general policies and guidelines for future development in the Econlockhatchee River Basin in order that the environmental integrity of the basin will be placed in the forefront of all considerations relating to development proposed to occur in the basin. The Board hereby finds and determines that the public has a legitimate and important interest in protecting water quality and hydrology, water quantity, wildlife habitat, aesthetics, open space and historical archaeological resources and desires to implement and reaffirm the provisions of Article II, Section 7 of the Constitution of the State of Florida which provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise." The Board hereby finds and determines that the provisions and requirements of this part are consistent with the provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) relating to water resources, natural systems and recreational lands, property rights and land use and all other elements of said plan. The Board hereby further finds and determines that the provisions and requirements of this part are consistent with the regional policy plan adopted by the East Central Florida Regional Planning Council and the Seminole County Comprehensive Plan. The Board also hereby finds and determines that the provisions and requirements of this part are necessary to prevent public harms and for the protection of the public's health, safety and welfare and, further, for the protection of this unique and important natural resource and ecosystem. All of such findings and determinations are fully supported by the October, 1990 "Econlockhatchee River Basin Natural Resources Development and Protection Plan" adopted by the St. Johns River Water Management District. The Board hereby ratifies and adopts the recitals in the preamble to this part set forth prior to this section as an integral part of this part.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.862, LDC, through Supp 16).

Sec. 30.1083. Affected area/definitions.

- (a) The area over which this part shall be applicable shall be that portion of the Econlockhatchee River Basin within the boundaries of Seminole County, Florida. For the purposes of this part, the "Econlockhatchee River Basin" shall mean and be referred to as those lands within Seminole County which are described in Exhibit "A". The determination as to whether a development project is within the Econlockhatchee River Basin shall

be made pursuant to Section 30.1087. All property that is within the Econlockhatchee River Basin, but is not within the "Econlockhatchee River Corridor Protection Zone", as described below, shall be subject to the Basin wide land development regulations set forth herein, but shall not be subject to the provisions of this overlay zoning classification relating to properties located within the Econlockhatchee River Corridor Protection Zone which provisions shall only apply to properties located within said zone. The provisions of this subsection shall not be construed to prohibit the transfer of density credits to properties located outside the Econlockhatchee River Basin when such properties are physically contiguous to property located in the basin, are in common ownership with property located within the basin and together formed a single parcel of record as of the effective date of this part.

- (b) The "Econlockhatchee River Corridor Protection Zone" is hereby established which includes the following areas:
 - (1) The main channels of the Big Econlockhatchee River and its tributaries as graphically depicted on or listed in Exhibit "A";
 - (2) All property located within the first one thousand one hundred (1,100) feet landward as measured from the stream's edge of the main channels of the Big Econlockhatchee River and Little Econlockhatchee River;
 - (3) All property located within the first five hundred fifty (550) feet landward as measured from the stream's edge of the tributaries of the Big Econlockhatchee River;
 - (4) Notwithstanding the above physical descriptions of the Econlockhatchee River Corridor Protection Zone, the Zone shall extend to and contain at least fifty (50) feet of uplands property which is landward of the landward edge of the wetlands abutting the main channels of the Big Econlockhatchee River and its tributaries;
 - (5) Provided, however, that only property located within the Econlockhatchee River Basin shall be deemed to be located within the Econlockhatchee River Corridor Protection Zone.
- (c) The term "stream's edge" means the waterward extent of the forested wetlands abutting the Big Econlockhatchee River or its tributaries. In the absence of forested wetlands abutting the Big Econlockhatchee River or its tributaries, the stream's edge means the mean annual surface water elevation of the stream; provided, however, that if hydrologic records upon which the County can rely upon are not available, the landward extent of the herbaceous emergent wetland vegetation growing in the Big Econlockhatchee River or its tributaries shall be considered to be the stream's edge.
- (d) The term "Rare Upland Habitats" means those vegetative communities identified by the County as Scrub, Longleaf Pine - Xeric Oak, Sand Pine Scrub, Xeric Oak and Live Oak Hammock. Those vegetative communities are defined in the Florida Land Use Cover and Forms Classification System which is published by the Florida Department of Transportation and is attached hereto as Exhibit "B" which is incorporated herein by this reference thereto as if fully set forth herein verbatim.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.863, LDC, through Supp 16).

Sec. 30.1084. Applicability.

- (a) Except as otherwise provided herein, all development within the Econlockhatchee River Basin shall comply with and shall be accomplished in accordance with the requirements of this part.
- (b) Except as otherwise provided herein, this part and the provisions of this part shall apply to all development and applications for development permits (as the term "development" is defined by Section 380.04, Florida Statutes, and the term "development permit" is defined by Section 163.3164(7), Florida Statutes relating to property located within the Econlockhatchee River Basin).
- (c) The provisions of this part shall not be applicable to the following projects or properties if the below listed approval was issued prior to the effective date of this part:

- (1) Developments of regional impact that have received a final development order issued pursuant to Section 380.06, Florida Statutes, which development order has not expired and is in good standing;
 - (2) Platted lots resulting from approved plats lawfully recorded and approved under the provisions of the Land Development Code of Seminole County and applicable state law; provided, however, that this exemption shall not apply to plats of lots which are five (5) acres in size or greater; and
 - (3) Projects that have received an unexpired County approved site plan, an unexpired County approved preliminary subdivision plat or an unexpired waiver to subdivision requirements on or before the effective date of this part and have lawfully commenced and are proceeding in good faith in the development approval process in accordance with the Land Development Code of Seminole County.
- (d) Existing lawful uses of property, buildings and structures shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this part. The destruction or temporary discontinuation of any such lawful uses, building or structure shall not prohibit the renewed use or reconstruction of the building or structure, but only in its pre-existing form; provided, however, that this provision shall not affect the operation of the Seminole County Comprehensive Plan or of any land development regulation of the County; provided, further, however, that the provisions of Section 30.1348 shall apply to nonconforming uses. The burden shall be on the property owner to demonstrate that existing land uses, buildings and structures qualify as pre-existing conditions.
- (e) The provisions of this part shall not operate to deny valid existing rights of property owners to continue the current lawful use of land as set forth above. If the provisions of this part are believed by a property owner to operate to restrict the valid and lawful existing rights of a property owner, such property owner may apply to the County, in accordance with Section 30.1087, for an exemption from such provisions in order to preserve valid existing rights. It is not the intent of this provision to create new rights in property, but is only to consider existing rights in property which may have vested in a property owner. The fact that a parcel of property is assigned a particular zoning classification or land use designation on the effective date of this part does not vest any rights in the property owner owning said parcel of property.
- (§ 1, Ord. No. 91-9, 6-25-91; § 5.864, LDC, through Supp 16).

Sec. 30.1085. Land development regulations relating to the entire Econlockhatchee River Basin.

- (a) The land development regulations set forth in this section shall be applied to all development on a project by project basis utilizing the standards set forth in subsection (b) of this section for that portion of the project within the Econlockhatchee River Basin.
- (b) The following provisions shall apply to all development activities proposed within the Econlockhatchee River Basin:
 - (1) A survey of those species designated as an endangered species, a threatened species or a species of special concern pursuant to, Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, shall be required as part of all development applications where there is a reasonable expectation, as determined by the County Natural Resource Officer based upon the range and habitat requirements of these species, that any of said species may utilize any habitat within the boundaries of the property sought to be developed within the Econlockhatchee River Basin. Such surveys shall utilize the most current Wildlife Methodology Guidelines published by the Florida Game and Freshwater Fish Commission. If any endangered species, threatened species or a species of special concern is found to exist on a project site, any proposed development within any of the habitat of the species shall be accomplished only in such a way and utilizing only such techniques which protect the values of the habitat for such species. The developer of the proposed development site shall provide the County with a copy of a valid management plan approved by the appropriate state agency as well as a copy of any and all other permits required for the protection of any endangered species, threatened species or

a species of special concern found to exist on the property which management plan, upon approval of the proposed development by the County, shall become part of the conditions of approval for the project which conditions shall be binding upon the developer and property owner and shall run with the land pursuant to a development order, development permit or other instrument of approval issued by the County.

- (2) Where landscaping requirements and conditions are otherwise required as part of a development approval, the development design shall include the use of native plant species and shall minimize removal of vegetation to the greatest extent practical as determined by the County in order to insure that wildlife habitats will be preserved and maintained and to cause landscaped areas to blend into nearby and abutting natural areas. A listing of plants recommended for use for such landscaped areas is attached hereto as Exhibit "C" and incorporated herein by this reference thereto as if fully set forth herein verbatim.
- (3) Sufficient separation, as determined by the County, shall be provided between stormwater management structures and conservation areas (such as, by way of example and not by way of limitation, properties assigned the conservation land use designation pursuant to the provisions of the Seminole County Comprehensive Plan or the W-1 zoning classification pursuant to the Land Development Code of Seminole County), conservation easements as defined by Section 704.06, Florida Statutes, and similar properties in order to insure that no adverse impact occurs to the hydrologic regime of the conservation areas.
- (4) Surface waters shall be managed to encourage the thriving of native vegetation where the vegetation does not impede water flow in the County's primary drainage system or otherwise cause any other adverse condition as determined by the County.
- (5) Wet detention treatment systems, as defined and provided for in Chapter 40C-42, Florida Administrative Code, and the St. Johns River Water Management District's Applicant's Handbook shall be required for those areas where dry retention/detention is not possible, as determined by the County, due to limited percolation capacity. Design of wet detention treatment systems shall be consistent with the guidelines set forth in Exhibit "D" which are hereby incorporated herein by this reference thereto as if fully set forth herein verbatim. In addition to wet detention systems, the creation of forested or herbaceous wetland areas shall be encouraged and incorporated into all system design where feasible, as determined by the County, in order to further enhance stormwater treatment while also providing wildlife habitat values.
- (6) Upland buffers from property which is assigned the conservation land use designation pursuant to the Seminole County Comprehensive Plan or the FP-1 or W-1 zoning classification pursuant to the Land Development Code of Seminole County or which has been designated a conservation area, conservation easement or similar property which averages fifty (50) feet in width with a minimum of twenty-five (25) feet in width shall be provided. Whenever determined to be feasible by the County, upland buffers shall connect with each other and with larger natural systems. Density or open space credits for upland buffers shall be encouraged and may be awarded in accordance with the terms of this part. Upland buffers shall be established pursuant to the granting of conservation easements in accordance with Section 704.06, Florida Statutes, and on forms acceptable to the County.
- (7) Peak discharge rates for surface water management systems shall not exceed the pre-development peak discharge rate for the mean annual storm event (twenty-four (24) hour duration, two and three tenths (2.3) year return period, four and four tenths (4.4) inches of rainfall) and the twenty-five (25) year storm event (twenty-four (24) hour duration, eight and six tenths (8.6) inches of rainfall).
- (8) All proposed development within two thousand (2,000) feet of the stream's edge of the Big Econlockhatchee River and its tributaries shall submit, as part of the development application information, a statement from the Florida Division of Historical Resources of the Florida Department of State or qualified archaeological consultant describing the potential for any archaeological or historical resources to occur on the project site. If, in the opinion of the division or the consultant, as the case

may be, the project's location or nature is likely to contain such a resource, then a systematic and professional archaeological and historical survey shall be completed by qualified personnel and submitted as part of the development application to the County for review and consideration as part of the material to be considered in determining whether or not to approve the development proposal. If significant archaeological or historical sites are found to exist on the property, said sites shall be preserved or excavated according to current federal and state laws and guidelines relating to such sites prior to construction on the archaeological or historical site or in any area that may reasonably be determined by the County to impact the archaeological or historical site.

- (9) Rare upland habitats shall be preserved in order to maintain the essential characteristics and viability of the rare habitats. When determined to be feasible by the County, property which contains rare upland habitats should be connected to other communities through preservation of land as mitigation for wetland impacts which are authorized by law. Preserved rare upland habitats shall be eligible for the award of density credits in accordance with the terms of this part.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.865, LDC, through Supp 16; § 16, Ord. No. 94-5, 3-22-94).

Sec. 30.1086. Econlockhatchee River Corridor Protection Zone Land Development Regulations.

- (a) This section identifies an area within the Econlockhatchee River Basin where more specific land development regulations shall apply. The determination of whether a project lies wholly or partly within this area shall be made in accordance with Section 30.1087.
- (b) Any development within the Econlockhatchee River Corridor Protection Zone including, but not limited to, redevelopment and agricultural and silvicultural activities except for management activities on state or federal lands conducted by or permitted by the state or federal government, which alters or affects wetland dependent wildlife, vegetation, water quantity, water quality or hydrology, groundwater tables, surface water levels or changes the use of property shall be subject to the provisions of this section to insure that no significant adverse effect occurs upon any of the habitats of any aquatic or wetland-dependent wildlife or any of the habitats of any species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code; to water quality or hydrology; to water quantity; to the groundwater table; or to surface water levels. The intent of this requirement is to minimize alterations to natural hydrologic patterns and subsequent vegetation changes. The following provisions shall pertain to properties located within the Econlockhatchee River Corridor Protection Zone:
 - (1) Development activities shall not be permitted within five hundred fifty (550) feet of the stream's edge of the channels of the Big Econlockhatchee River and the Little Econlockhatchee River except for the creation of wetlands and passive recreation uses, if approved by the County, when the applicant for development approval has clearly and convincingly demonstrated to the County that said activities in these areas will not adversely affect aquatic and wetland dependent wildlife; the habitat of an endangered species, a threatened species or a species of special concern; water quality or hydrology; water quantity; groundwater tables or surface water levels. As to all other property located within the Econlockhatchee River Protection Zone, development shall be permitted consistent with the underlying zoning classification assigned to the property.
 - (2) Restoration of natural hydrologic regimes and preservation of upland forested areas shall be encouraged through the award of open space credits or of density credits awarded in accordance with the terms of this part. The property owner/applicant may also be awarded density credits for mitigation performed or open space donated to a water management district or another governmental entity with the concurrence of the County.

- (3) Forested habitat fragmentation shall be limited. There shall be no additional crossings by road, rail or utility corridors of the lands located in the Econlockhatchee River Corridor Protection Zone unless the following three (3) conditions are concurrently met:
 - a. There is no feasible and prudent alternative to the proposed crossing as determined by the County; and
 - b. All possible measures to minimize harm to the resources of the Econlockhatchee River Basin will be implemented; and
 - c. The crossing supports an activity that is clearly in the public interest as determined by the County. The use of additional crossings co-located with existing crossings shall be presumed to be the least harmful alternative. The expansion of existing crossings shall be presumed to be less harmful to natural resources than the construction of new crossings.
- (4) Encroachment (fill) placed or deposited within the one hundred (100) year floodplain (as adopted by the Federal Emergency Management Agency) of the Big Econlockhatchee River and its tributaries must be consistent with applicable County land development regulations.
- (5) The only authorized type of new stormwater treatment facilities shall be created wetlands or an equivalent design which is acceptable to the County.
- (6) Recreation and nature trails shall not be impervious and vehicular access shall be limited to river crossings and approved access points. Wildlife underpasses which are deemed adequate to the County shall be provided at all new or expanded river crossings. As to preexisting approved crossings relating to roads or utilities, aerial crossings of property located within the Econlockhatchee River Corridor Protection Zone shall be encouraged.
- (7) Only residential development will be permitted except as stated otherwise in this subsection.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.866(b), LDC, through Supp 16; Part XXXVIII, § 1, Ord. No. 93-1, 2-23-93; § 17, Ord. No. 94-5, 3-22-94).

Sec. 30.1087. Review and appeal procedures.

- (a) The Seminole County Natural Resources Officer shall determine the applicability of this part to property and, if an application for a development permit for a project is submitted, he or she shall determine whether the project is located to any extent within the Econlockhatchee River Basin and whether the project is located to any extent in the Econlockhatchee River Corridor Protection Zone and is, therefore, subject to the provisions of this part and, thereafter, if the proposed development is in compliance with the provisions of this part. The natural resources officer shall expeditiously review and respond to the proposals of the property owner/applicant.
- (b) The property owner/applicant shall submit information and documents to the Seminole County Natural Resources Officer for review and consideration that must clearly and convincingly demonstrate that the proposed development or activity is exempt from or meets the intent of the provisions of this part.
- (c) The standard of review shall be whether the submitted information and documents or the proposed development clearly and convincingly demonstrate that the property is exempt from or the project complies with the provisions of this part and all applicable laws and whether significant adverse effect occurs with regard to any habitat of any aquatic or wetland-dependent wildlife or any habitat of any species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code; with regard to water quality or hydrology; with regard to water quantity; with regard to groundwater tables; or with regard to surface water levels in order to minimize alterations to and adverse effects upon natural hydrologic patterns and resulting vegetative changes.

- (d) The following documents and information, where appropriate, shall be submitted by the property owner/applicant for consideration by the natural resources officer as evidence supporting the property owner/applicant's contention that the property should be deemed exempt from the provisions of this part or to overcome the presumption of significant adverse impact as to proposed projects:
- (1) The name, address and telephone number of the property owner;
 - (2) The property appraiser's tax parcel identification number or other identification of the property involved;
 - (3) The year in which the property was purchased or acquired by the current property owner;
 - (4) A specific and complete description of any alleged lawful and valid existing property right involved including, at a minimum, the date when such alleged right was acquired and any action of the County alleged to have created such right;
 - (5) The specific provisions of this part from which an exemption is sought and the minimum exemption necessary to preserve any vested right;
 - (6) A project map utilizing the Florida Land Use, Cover and Forms Classification System;
 - (7) A wildlife survey of those species designated as an endangered species, a threatened species or a 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 Game and Freshwater Fish Commission. (This requirement may be waived by the natural resources officer if he or she determines that reliable information exists which clearly and convincingly indicates that such species are not likely to occur on the property);
 - (8) A landscaping plan depicting and describing the impacts to predevelopment plant communities and the use of suggested native species;
 - (9) As to projects located within two thousand (2,000) feet of the stream's edge of the Big Econlockhatchee River and its tributaries, a statement from the Florida Division of Historical Resources of the Florida Department of State, or a qualified archeological consultant, describing the potential for any archeological or historical resources on the site proposed to be developed shall also be provided;
 - (10) A scaled drawing of the property for which the application has been filed indicating the future land use designation of the property assigned by the Seminole County Comprehensive Plan;
 - (11) A legal description of the property;
 - (12) The current zoning classification assigned to the property under the provisions of the Land Development Code of Seminole County;
 - (13) The proposed land use designation;
 - (14) The proposed zoning classification;
 - (15) A conceptual plan of the proposed use contemplated by the application; and
 - (16) Any additional information requested.
- (e) The property owner/applicant may appeal an adverse determination of the Natural Resource Officer's to the Manager of the Development Review Division. The appeal must be received, in writing, by the Manager of the Development Review Division within fifteen (15) calendar days of issuance of the written determination by the Natural Resource Officer.
- (f) The Manager of the Development Review Division shall promptly hold a hearing on the appeal. At least ten (10) days prior written notice of the hearing shall be provided to the property owner/applicant. The Manager of the Development Review Division shall either affirm, reverse or modify the Natural Resource Officer's determination of whether the property is located in the Econlockhatchee River Basin or whether the project is located in the Econlockhatchee River Corridor Protection Zone or whether the project is in compliance with

the provisions of this part or as to any other matter upon which a determination has been rendered pursuant to the terms of this part.

- (g) The property owner/applicant may appeal an adverse determination of the Manager of the Development Review Division to the Board within fifteen (15) days of issuance of the written determination by the Manager of the Development Review Division. The Board shall hold a hearing on the appeal within sixty (60) days of receipt of the written notice of appeal. At least ten (10) days prior written notice of the hearing shall be provided to the property owner/applicant. At the close of the hearing, the Board shall either uphold, reverse or modify the determination of the Manager of the Development Review Division or may request that further information be provided to consider at a subsequent hearing date.
- (h) The procedures set forth herein are supplementary and shall not relieve a property owner or a developer of property from any other development review processes, procedures or requirements.
- (i) Any property owner owning a parcel of property which was a parcel of record within the Econlockhatchee River Corridor Protection Zone prior to the effective date of this part and who owns no property to which density credits may be transferred may, notwithstanding the provisions of this part, receive a development permit authorizing development in accordance with the property's assigned underlying zoning classification and consistent with all laws, rules and regulations affecting said property; provided, however, that each development order or permit relating to such property shall, if necessary, contain conditions imposed by the Natural Resource Officer, which minimize adverse impacts to natural resources.
- (j) Notwithstanding the provisions of Section 20.4, all development permits issued upon lands located within the Econlockhatchee River Basin shall be issued as development orders in accordance with Chapter 20 of the Land Development Code of Seminole County; provided, however, that Section 20.12 relating to appeals shall not be applicable.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.867, LDC, through Supp 16; Part XXXVIII, § 2, Ord. No. 93-1, 2-23-93; § 18, Ord. No. 94-5, 3-22-94).

Sec. 30.1088. Density credits.

- (a) In all situations where a transfer of density is authorized pursuant to the terms of this part; the use of a planned unit development commitment agreement, development order or a development agreement, if the County implements the provisions of the Florida Local Government Development Agreement Act (Section 163.3220, et seq., Florida Statutes), shall be required to implement the usage of said density credits.
- (b) In all situations where a transfer of density is authorized pursuant to the terms of this part the clustering of development to preserve sensitive environmental features and to further the policies and purposes expressed in this part shall be considered and addressed in all development orders and permits pertaining to properties to which density credits were transferred.
- (c) In all situations where a transfer of density is authorized pursuant to the terms of this part the property to which the density has been transferred, when located within the Econlockhatchee River Basin, shall be subject to the following design guidelines and criteria which shall be implemented in the planned unit development agreement, development order or development agreement as required in subsection (a) of this section:
 - (1) As to all development of properties receiving density credits pursuant to this part, provisions and conditions shall be made a part of all development approvals which maintain the rural character of the Econlockhatchee River Basin and which maximize the compatibility of such developments with adjacent properties;
 - (2) As to all properties receiving density credits pursuant to this part as a result of property being located within the Econlockhatchee River Corridor Property Zone, only those uses permitted by the underlying zoning classification shall be authorized with regard to the development of the portions of said properties utilizing such credits;

- (3) As to all properties receiving density credits pursuant to this part, all development approvals relating to said properties shall maximize, to the greatest extent authorized by law, open space and habitat preservation through the clustering of land uses;
 - (4) As to all properties receiving density credits pursuant to this part, parcel configurations including, but not limited to, parcel length and depth, shall be evaluated to insure compatibility between parcels and to implement adequate buffering between parcels;
 - (5) As to all properties receiving density credits pursuant to this part, the expressed requirements, goals, policies and objectives set forth in this part shall be considered in the context of each development proposal;
 - (6) When a parcel of property is located both within and without the Econlockhatchee River Basin the most dense part of any development approved as to said property shall, to the maximum extent feasible as determined by the County, be on the portion of the property located outside of the Econlockhatchee River Basin consistent with all land development regulations applicable to said property.
- (d) In cases where density credits are authorized pursuant to the terms of this part, density and uses may only be transferred from property located on the same side of a water body as the property to which the density credits are to be transferred which is physically contiguous to and in common ownership with the property from which the density was transferred. Density credits may be transferred to parcels outside of the Econlockhatchee River Basin only if such property is physically contiguous to and in common ownership with the property from which the density credit arose.
 - (e) The owner of property from which density is transferred pursuant to the terms of this part shall record a deed or other appropriate instrument of conveyance in a form acceptable to the County in the chain of title relating to the parcel from which density is being transferred prior to the issuance of any development order or permit relating to the property to which density is being transferred. Said deed or instrument shall expressly restrict, by operation of the deed, the use of the property from which density is being transferred in perpetuity to non-development uses in accordance with the provisions of Section 704.06, Florida Statutes, with such restrictions being expressly enforceable by the County.
 - (f) Only properties that are parcels of record and in common ownership as of the effective date of this part shall be eligible to be awarded density credits.
 - (g) Density credits for properties affected by the provisions of this part shall be as follows:
 - (1) Property which is located within the Econlockhatchee River Protection Zone, but is located outside the first five hundred fifty (550) feet of the said zone, property which is dedicated for preservation as an upland buffer or as rare upland habitats and property which is donated pursuant to this part shall receive a maximum credit of one (1) dwelling unit per each unit of acres upon which a detached single-family residence could have been constructed under the terms of the Land Development Code of Seminole County for each unit of density which is forsaken by the property owner under the terms of the zoning classification assigned to the property and parcels assigned a zoning classification other than single-family residential shall receive density credits, as determined by the Planning and Development Director, based upon the maximum density or intensity which would have been permitted under the zoning classification assigned to the property;
 - (2) Properties otherwise located within the Econlockhatchee River Corridor Protection Zone shall receive a density credit of one (1) dwelling unit of density for every unit of density (construction of a detached single-family residence) that the owner could have utilized in accordance with the terms of Section 30.1087(i).

(§ 1, Ord. No. 91-9, 6-25-91; § 5.868, LDC, through Supp 16; § 19, Ord. No. 94-5, 3-22-94).

Sec. 30.1089. Construction.

If there is deemed to be any conflict between the provisions of this part and the Land Development Code of Seminole County including, but not limited to, those provisions relating to the FP-1 and W-1 zoning classifications, then the more stringent provision shall prevail and be applicable to the particular development application under review.

(§ 1, Ord. No. 91-9, 6-25-91; § 5.869, LDC, through Supp 16).

Secs. 30.1090—30.1100. Reserved.

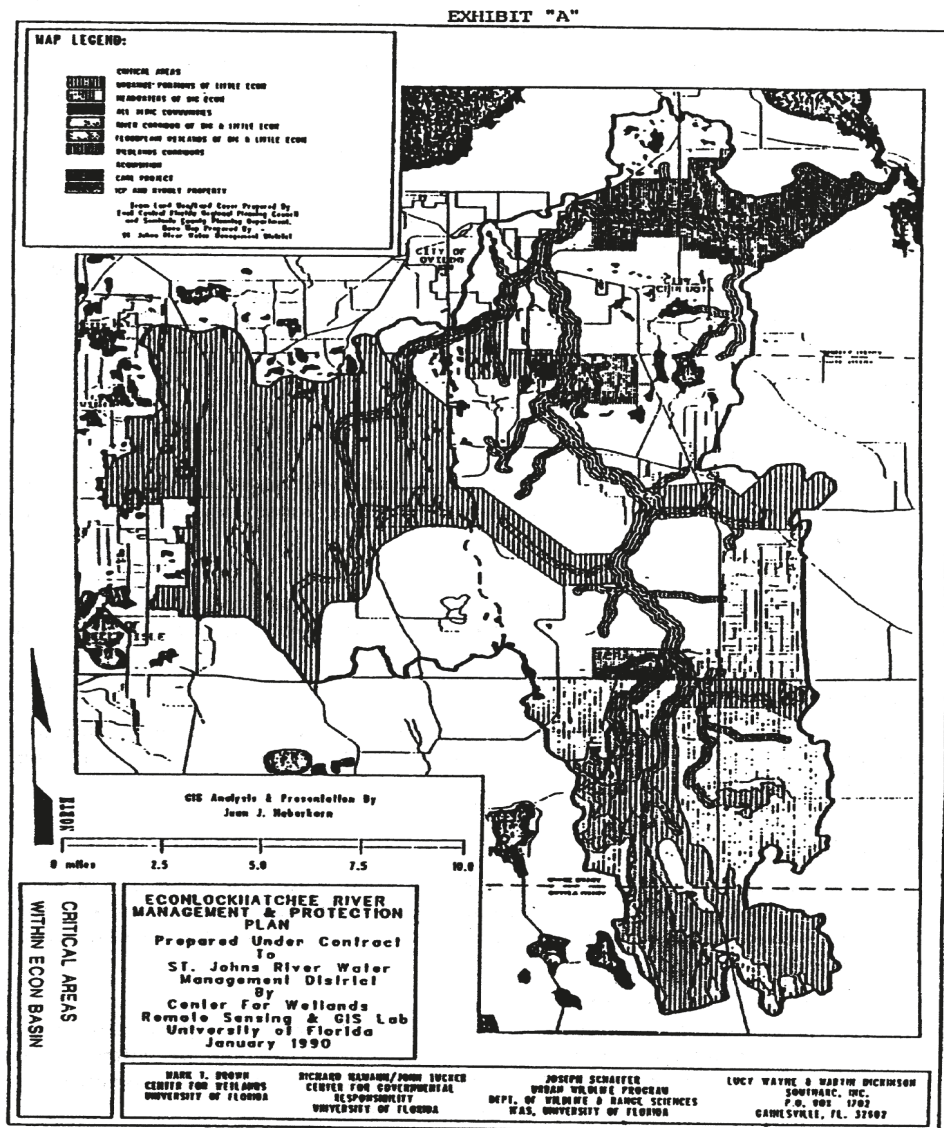


Exhibit A-1 Map

Exhibit "B"

NATURAL AREA LAND COVER CLASSIFICATION

RANGELAND (300)

GRASSLAND (310)

Level III:

311 Grassland/Shrubland

Prairie grasses occurring along the upland margins of wetland zones, and includes transitional areas between wetlands (e.g., wet prairies and cypress domes/strands) and upland forested lands, and old field vegetative communities in upland areas, and may include sedges, wax myrtle, gallberry, and other vegetation associated with disturbed areas.

SCRUB and BRUSHLAND (320)

Level III:

321 Palmetto Prairies

Includes saw palmettos, gallberry, wax myrtle and other shrubs and brush, with saw palmetto being the most prevalent plant cover inter-mixed with a wide variety of other plant species.

323 Scrub

Scrub vegetation consisting primarily of xeric oak species (e.g., scrub, blue runner), shrubs (e.g., rosemary) and cacti, with a general absence of high canopy tree-type vegetation.

FORESTED UPLANDS (400)

Minimum Criteria: A tree crown areal density (crown closure percentage of 10% or more, and are stocked with trees capable of representing a forested appearance or producing timber or other wood products.

Level III:

411 Pine Flatwoods

Forested areas dominated by longleaf or slash pine, and mixtures of both pine species, with an understory of saw palmetto, wire grass, wax myrtle, fetter bush and gallberry. This category may also include small wetland areas of less than two acres in area.

412 Longleaf Pine - Xeric Oak

Forested areas dominated by a tree crown closure in longleaf pine (dominant overstory), with bluejack, turkey and post oak being the most prevalent understory trees, and wire grass being the dominant ground cover. This association is often referred to as a Sand Hill vegetative community.

413 Sand Pine Scrub

Forested areas with dominant overstory tree crown closure consisting of sand pine, with typical understory trees consisting of myrtle oak, chapman's oak and sand live oak. Occurs on excessively well-drained sands often associated with relic dunes and marine sand deposits.

414 Pine-Mesic Oak*

Forested areas dominated by one or more pine species (e.g., longleaf, slash, loblolly or shortleaf) in strong association with a wide variety of mesic oaks and other hardwood species.

415 Other Coniferous

Other upland forested areas, including:

- transitional pine flatwoods areas with successional hardwoods in the understory (ten (10) percent pine crown closure or more),
- cedar forests.

HARDWOOD FOREST (420)

Level III:

412 Xeric Oak

Forested areas dominated by a crown closure of xeric oak species, including turkey oak, bluejack oak, and post oak often found adjacent to or intermixed with Longleaf Pine - Xeric Oak forests. Also referred to as sand hill forests.

422 Other Hardwood

Forested areas dominated by a crown closure of upland hardwood species other than xeric oaks, including typical species such as live oak, laurel oak, water oak, magnolia, sweet gum, hickory, dogwood and maple. Mesic hardwood communities are included in this category.

423 Mesic Hardwood - Pine*

Forested areas in which no single species is consistently dominant, but represents a predominantly hardwood forest in which various pine species are major associated communities.

424 Live Oak Hammock*

Upland forested areas in which Live Oak is either pure or predominant in association with other hardwoods or pines.

MIXED FOREST (430)

Level III:

431 Mixed Forest

Forested areas consisting of a mixture of upland hardwood and coniferous forest species where neither species dominate the crown closure.

PLANTED FOREST (440)

Level III:

441 Coniferous

Forested areas created as a result of the artificial planting of coniferous seedling stock or direct seeding methods.

442 Hardwood

Forested areas created as a result of the artificial planting of hardwood seedling stock or direct seeding methods.

CLEARCUT AREAS (450)

Level III:

451 Clearcut Areas

Forested areas where commercial timber clearcutting and block planted timber management practices (e.g., land preparation for replanting) are evident and it is expected that the intended future use will not involve a transition to another land use category.

WETLANDS (600)

WETLAND CONIFEROUS FOREST (610)

Level III:

611 Cypress

Forested wetlands dominated by crown closure in either bald or pond cypress. Principal associated species may include maple, magnolia bay, tupelo gum or pond pine.

612 Pond Pine

Forested wetlands dominated by a crown closure of pond pine.

613 Cabbage Palm-Mixed*

A vegetative community consisting primarily of cabbage palms in associated with pine, hardwoods or cypress. Although not strictly a wetlands community, it forms a transition between moist upland and hydric conditions.

WETLAND HARDWOOD FOREST (620)

Level III:

621 Freshwater Hardwood Swamp

Forested wetlands dominated by one or more hardwood species including gums, hickory, maple, bays tupelo and willow, found in river, creek, lake and pond overflow areas, and sloughs, with cypress often appearing as a secondary species.

622 Bayheads or Bay-gum Wetlands*

Wetland forested areas consisting purely or predominantly of various types of bay and/or gum trees, often occurring on moist soils resulting from surficial groundwater seepage or shallow surface depressions. Understory vegetation, when present, may include gallberry, wax myrtle and other shrub species.

WETLAND MIXED FOREST (630)

Level III:

631 Mixed Wetland Forest

Forested wetlands containing a mixture of coniferous and hardwood vegetative tree types, where neither tree type is dominant. When more than one-third ($\frac{1}{3}$) intermixture occurs, the mixed classification will be applied.

WETLAND BEGETATED NONFORESTED

641 Freshwater Marsh

Wetland marshes which are subjected to permanent or prolonged period of inundation or saturation, and/or exhibit wetland vegetation communities characteristic of this type of hydroperiod, and will consist of one or more of the following plant types: sawgrass, cattail, bulrush, maidencane, pickeralweed, and water lilies.

643 Wet Prairies*

Wetland depressions which are subjected to periodic inundation and exhibit wetland vegetative communities consisting of various types of grasses, sedges, rushes, shrubs and herbs in varying combinations, and are distinguished from freshwater marshes by having less water and a predominantly grassy or low shrubby appearance.

NOTE: The Level III Land Use and Cover classifications used above are from The Florida Land Use and Cover Classification System: A Technical Report, Florida Division of State Planning, April 1976, with the exception of those

classifications followed by an asterisk (*), which have been derived from Florida Land Use, Cover and Forms Classification System, Florida Department of Transportation, September, 1985. The Level III classifications obtained from the FDOT Classification System are intended to supplement the Level III FDSP classifications in terms of providing more precise ecosystem identifications.

Exhibit "C"

FLORIDA NATIVE PLANT SOCIETY

935 Orange Ave., Winter Park, Florida 32789

SELECTED NATIVE PLANTS

RECOMMENDED FOR LANDSCAPING IN CENTRAL FLORIDA

Scientific name	Common name
<i>Trees</i>	
Acer Rubrum	Red Maple
Agarista Populifolia Syn. Leucothoe	Fl. Leucothoe
Celtis Levaegata	Hackberry
Cercis Canadensis	Redbud
Chionanthus Virginicus	Fringe Tree
Cornus Florida	Flowering Dogwood
Crataegus Spp.	Hawthorn
Gordonia Lasianthus	Loblolly Bay
Ilex Cassine	Dahoon
Ilex Opaca	American Holly
Ilex Vomitoria	Yaupon
Juniperus Silicicola	Southern Red Cedar
Liquidambar Styracifua	Sweet Gum
Liriodendron Tulipifera	Tulip Tree
Lyonia Ferruginea	Rusty Lyonia
Magnolia Grandiflora	Southern Magnolia
Magnolia Virginiana	Sweet Bay
Morus Rubra	Red Mulberry
Myrica Cerifera	Wax Mrytle
Osmanthus Americanus	Wild Olive/Devilwood
Persea Humilus	Silk Bay
Persea Borbonia	Red Bay
Pinus Clausa	Sand Pine
Pinus Elliottii	Slash Pine
Pinus Palustris	Long Leaf Pine
Platanus Occidenalis	Sycamore
Prunus Angustifolia	Chickasaw Plumb
Prunus Caroliniana	Cherry Laurel
Quercus Geminata	Sand Live Oak
Quercus Laurifolia	Laurel Oak
Quercus Myrtifolia	Myrtle Oak
Quercus Nigra	Water Oak
Quercus Virginiana	Live Oak
Sabal Palmetto	Cabbage Palm
Taxodium Ascendens	Pond Cypress

Taxodium Distichum	Bald Cypress
Vaccinium Arboreum	Sparkleberry
Vieurnium Obovatum	Waters Viburnum

Scientific name	Common name
<i>Shrubs</i>	
Aronia Arbutifolia	Red Chokeberry
Befaria Racemosa	Tar Flower
Callicarpa	Americana Beauty Berry
Erythrina Herbacea	Coral Bean
Euonymus Americanus	Strawberry Bush
Garberia Fruticosa	Garberia
Ilex Ambi Gua	Carolina Holly
Ilex Glabra	Gallberry
Illicium Parviflorum	Star Anise
Lyonia Lucida	Shiny Lyonia
Rhapidophyllum Hystrix	Needle Palm
Rhododendron Viscosum	Swamp Azalea
Rhus Copallina	Winged Sumac
Serenoa Repens	Saw Palmetto
Vaccinium Myrsinites	Fl. Evergreen Blueberry

Scientific name	Common name
<i>Vines</i>	
Campsis Radicans	Trumpet Vine
Gelsemium Sempervirens	Yellow Jessamine
Lonicera Japonica	Japanese Honeysuckle
Lonicera Semprevirens	Coral Honeysuckle
Parthenocissus Quinquefolia	Virginia Creeper
Vitis Rotundifolia	Muscadine Grape

Scientific name	Common name
<i>Flowers, Herbs, Groundcovers</i>	
Aletris Lutea	Colic Root
Arisaema Triphyllum	Jack-in-the-Pulpit
Calapogon Tuberosus	Grass Pink
Gaillardia Sp.	Blanket Flower
Helianthus Spp.	Black-Eyed Susan
Hymenocallis Crassifolia	Spider Lily
Lilium Catesbaei	Pine Lily
Lupinus Diffusus	Lupine
Nephrolepis Exaltata	Sword Fern
Osunda Regalis	Royal Fern
Passiflora Incarnata	Passion Flower
Polypodium Aureum	Gold Foot Fern
Pteris Vittata	Ladder Brake Fern
Ruellia Carliniensis	Wild Petunia

Satureja Rigida	Pennyroyal
Spiranthes Lanceolata	Red Ladies Tresses
Thelypteris Torresiana	Mariana Maiden Fern
Tradescantia Ohiensis	Spiderwort
Viola Lanceolata	Bob White Violet
Woodwardia Areolata	Netted Chain Fern
Yucca Filamenmtosa	Bear Grass
Zamia Sp.	Coontie

Exhibit "D"

WET DETENTION SYSTEMS

- Systems must be in compliance with Chapter 40C-4 F.A.C., subsection 11.4.3(b) with the following amendments:
 - Within the River Corridor Protection Zone, an off-line system will be utilized.
 - The maximum length to width ratio for detention ponds will be 10:1 with a minimum of 3:1.

Sec. 35.13. Review of preliminary plan.

- (a) *Purpose.* The purpose of the preliminary plan is to permit complete and accurate presentation of technical data and preliminary engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and surrounding areas.
- (b) *Initiation point and deadlines.* All submittals must be made to the current planning office.
- (c) *Submittals.* All submittals shall be as outlined in section 35.43, Required submittals for preliminary plan, and any other additional submittals which were requested as a condition of development plan approval.
- (d) *Fees.* Fees for preliminary plan review, as adopted from time to time by the board, must be paid to Seminole County, Florida, at the time the submittals are made to the development review division.
- (e) *Review process.* Each preliminary plan shall be subjected to a standard review process as outlined below:
 - (1) The development review division receives all submittals, insures that they are complete, and distributes them to the appropriate development review committee members.
 - (2) The proposed preliminary plan is reviewed by the development review committee to determine if any problems or errors exist and to determine any adverse impacts which bear upon the public interest. A report and recommendation is then made by the development review committee to the planning and zoning commission.
 - (3) Based on the information generated and the recommendations of the development review committee, the planning and zoning commission shall approve, disapprove, or approve subject to stated conditions. Presentation of the plan must be made by the staff to the planning and zoning commission within fourteen (14) days of the action by the development review committee unless additional information or submittals are required, in which case, the applicant shall have ninety (90) days from the date of action by the development review committee to make all required submittals. However, if the recommendation of the development review committee is for denial, the subdivider shall have the option to submit within sixty (60) days a revised preliminary plan without fee for review by the development review committee prior to presentation to the planning and zoning commission. Any revisions after the first one will require an additional preliminary plan fee and will be subject to the same sixty-day deadline. An extension to any of these deadlines may be considered by the development review committee if a written request is submitted by the subdivider prior to the expiration date.
 - (4) The decision of the Planning and Zoning Commission may be appealed to the Board of County Commissioners.
- (f) *Time limit on approval.* A final subdivision plat or plats shall be submitted within two (2) years after preliminary plan approval or the preliminary plan approval shall lapse. An extension to the two-year limit may be considered by the planning and zoning commission, upon written request by the applicant prior to the expiration date, showing cause for such an extension.

(§ 35, Ord. No. 87-1, 2-10-87; § 2, Ord. No. 89-3, 2-14-89; § 6.13, LDC, through Supp 16; § 21, Ord. No. 94-15, 12-13-94; Ord. No. 97-18, § 37, 5-13-97; Ord. No. 00-44, § 56, 8-22-00).

Sec. 35.63. Blocks.

- (a) *General.* The length, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control and safety of street and pedestrian traffic, and fire protection.
 - (4) Limitations and opportunities of topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties surrounding the subdivisions.
 - (b) *Block length.* Block length shall not exceed fourteen hundred (1,400) feet nor be less than five hundred (500) feet between intersecting streets, except that the planning and zoning commission may, where special conditions exist, approve blocks of greater length.
 - (c) *Pedestrian crosswalks.* Pedestrian crosswalks shall be in accordance with the Manual on Uniform Traffic Control Devices.
 - (d) *Nonresidential blocks.* Such blocks shall require a length sufficient to serve the intended use without adversely affecting traffic circulation of existing or proposed surrounding streets. The width shall be sufficient to provide adequate service areas and parking without requiring excessive points of ingress and egress on abutting streets or requiring vehicular maneuvering on public rights-of-way. Lots within such blocks shall require a common vehicular access easement dedicated to the use, maintenance, and benefit of all lots within the block, or a marginal access street shall be provided to prevent points of ingress and egress from each lot to the abutting street.
- (§ 48, Ord. No. 87-1, 2-10-87; § 2, Ord. No. 89-3, 2-14-89; § 6.43, LDC, through Supp 16).

FUTURE LAND USE ELEMENT ISSUES AND CONCERNS

Issue FLU 1 Neighborhood Protection

One Major Issue analyzed during the Evaluation and Appraisal Report (EAR) process of 2006 involved ensuring the viability of existing neighborhoods, or "Neighborhood Protection." This Major Issue concerned both rural and urban neighborhoods in unincorporated Seminole County. In the Rural Areas, the concern focused upon preserving existing rural character and resistance to pressure to convert to suburban land use patterns. These concerns relate to the key issue of "Countryside" identified by the Central Florida Regional Growth Vision.

For urban neighborhoods, the focus concerned the need for compatibility standards to guarantee that redevelopment and infill development fit well with existing neighborhoods, while ensuring that needed revitalization occurs. This focus pertains to the key issue of ensuring viable "Centers" as identified by the Central Florida Regional Growth Vision.

A number of protection techniques for the Rural Area and rural neighborhoods were identified as part of the Rural Character Plan completed in 2006. Recommendations from that study were used to shape policies in the Future Land Use Element and County Plan text amendments in 2008.

The EAR 2006 findings identified the need for revisions to the County's Plan to provide guidance for ensuring that redevelopment and infill development can peacefully coexist with adjacent neighborhoods. County Plan amendments of 2008 addressed this issue.

Both sets of Neighborhood Protection-oriented text amendments provided a basis for revising the County's Land Development Code (LDC) in order to foster distinct, attractive and safe places to live, in keeping with the principles of the Central Florida Regional Growth Vision. Continuous monitoring is required to determine the success of these efforts and the need, if any, for additional County Plan amendments and revisions to the LDC.

Issue FLU 2 Concurrency Management

The Growth Management Act adopted by the Florida Legislature in 1985 included a requirement for "concurrency", contained in Section 163.3180, Florida Statutes and intended to ensure availability of services to meet needs of new development at the time that services were required.

Since 1985, the Legislature has amended Chapter 163, Part II of Florida Statutes several times, including a revision to the name of the Act that now governs local comprehensive planning (The Community Planning Act). Section 163.3180, Florida Statutes has also been amended several times.

Requirements include:

Sanitary Sewer, Solid Waste, Drainage, adequate (sufficient) Water Supplies and Potable Water Facilities:

- A** These services are the only public facilities and services subject to the concurrency requirement on a statewide basis as of 2011. Consistent

legislation. All Plan amendments are processed and public hearings held in accordance with the requirements of State law.

Issue FLU 10 Trends in Comprehensive Planning

Since the 1991 County Comprehensive Plan Update, several themes emerged that have a direct relationship to comprehensive planning. The first - "sustainability" - emphasizes responsible use of resources to meet current needs without jeopardizing the ability to meet needs of future residents. The second theme, "smart growth" focuses on environmental protection, livable communities and efficient use of public funds. The third involves the use of "green" building and development techniques, featuring design and construction practices that promote economic and health benefits for individuals, their communities and the environment. The fourth theme examines the link between future land use patterns and energy consumption by emphasizing patterns that conserve energy by encouraging more compact development that is more easily served by multiple modes of transportation (including walking), thus reducing greenhouse gases from automobile traffic. These themes have in common the ideas of community, economic opportunities and protection of the environment.

In Seminole County sustainability and smart growth in land use are achieved through application of the following planning techniques, among others:

- A** Economic planning to create and foster target industry areas;
- B** Acquisition of sensitive natural lands;
- C** Creation of an Urban/Rural Boundary and Plan policies to protect the Rural Area;
- D** Restricting densities and intensities within the ecologically sensitive Wekiva River and Econlockhatchee River areas;
- E** Provision of service consistent with the Urban/Rural Boundary to encourage infill development and discourage sprawl; and
- F** Joint planning agreements.

These themes are clearly evident in the goal of the Future Land Use Element, and continued to be emphasized by the amendments adopted in 2008 to address findings of the 2006 Evaluation and Appraisal Report and 2010 energy conservation and Mobility Strategy amendments.

Issue FLU 11 Protection of Rural Areas

Protection of Rural Areas was not identified as a Major Issue in the 2006 Evaluation and Appraisal Report, but this was, in part, because of Seminole County's long-standing efforts to protect those areas. Such protection and preservation remains an important concern to residents of the County, and a significant component in the Seminole County Comprehensive Plan. Objectives are included in the Future Land Use Element and several other elements that address methods of protection for rural areas.

The "Wekiva River Protection Area" and "East Rural Area" are two separate and distinct rural areas within Seminole County. The Comprehensive Plan sets forth specific policy guidance for the long term maintenance of the rural character in each area.



Wekiva River Protection Area

In 1988, the Florida Legislature enacted the “Wekiva River Protection Act” to protect the natural resources and rural character of the “Wekiva River Protection Area” as defined in the Act. To comply with the Act, the County’s Comprehensive Plan was amended to create a set of Plan policies to require the maintenance of the rural density and character, protect natural resources and ensure the long term viability of the Wekiva River Protection Area (see *Objective FLU 14 Revitalization of Major Corridors* and the *Exhibit FLU: Future Land Use Map* of this Plan).

In 1999, the County adopted a Plan objective and additional set of Plan policies, substantially based on the “1999 Wekiva Special Area Study”, to provide greater protection for this area. These provisions also establish a maximum density of one dwelling unit per net buildable acre as the final development form for the Wekiva River Protection Area, to maintain rural density and character in the aggregate. A density of up to 2.5 dwelling units per net buildable acre is allowable in the area identified as the “East Lake Sylvan Transitional Area”.

In 2004, The Florida Legislature enacted the “Wekiva Parkway and Protection Act” to implement the recommendations of the Wekiva River Basin Coordinating Committee and achieve the objective of improving and assuring protection of the surface water and groundwater resources within the Wekiva Study Area. To comply with this Act, the County’s Comprehensive Plan was amended in 2005 and 2006 to adopt text amendments to the Drainage and Transportation elements of the Seminole County Comprehensive Plan. The amendments implemented the Facilities and Services requirement of the Wekiva Parkway and Protection Act.

In the future, the County may create additional provisions in the Seminole County Comprehensive Plan and Land Development Code for the purpose of implementing the Wekiva River Protection Area policies of State Law and this Plan.

East Rural Area

In 1991, the County’s Comprehensive Plan was amended, based on the “1991 East Seminole County Rural Area Plan” to create the “East Rural Area” of Seminole County (see *Objective FLU 11 Preserve Rural Lifestyles in Seminole County* and the *Exhibit FLU: Future Land Use Map* of this Plan). This Plan amendment created and assigned a set of Rural future land use designations (Rural-3, Rural-5 and Rural-10) and associated Rural zoning classifications (A-3, A-5 and A-10) to properties within the Rural Area. These land use designations and zoning classifications, together with Plan policies and Rural Subdivision Standards, were established to preserve and reinforce the character of the East Rural Area.

In 1999, the Comprehensive Plan was amended, based on the “1999 Chuluota Small Area Study” to further strengthen the rural character of the Rural Area. The East Rural Area of Seminole County is distinguished from the County’s predominantly urban area by an Urban/Rural Boundary (see the *Exhibit FLU: Future Land Use Map* of this Plan).

In 2004, Seminole County voters approved a referendum that established a Rural Area and a Rural Boundary in the Home Rule Charter through a map



COUNTRYSIDE:
PROTECTING SEMINOLE COUNTY'S RURAL HERITAGE

OBJECTIVE FLU 11 PRESERVE RURAL LIFESTYLES IN SEMINOLE COUNTY

The County shall continue to implement and enforce policies and programs designed to preserve and reinforce the positive qualities of the rural lifestyle presently enjoyed in East Seminole County, referred to herein on occasion as the "Rural Area," (as defined in *Exhibit FLU: Special Area Boundaries* and *Exhibit FLU: Rural Boundary Map*) and thereby ensure the rural lifestyle is available to future residents.

Policy FLU 11.1 Recognition of East Rural Area

The County shall continue to enforce Land Development Code (LDC) provisions and implement existing land use strategies and those adopted in 2008 that were based on the Rural Character Plan of 2006 and that recognize East Seminole County as an area with specific rural character, rather than an area anticipated to be urbanized. It shall be the policy of the County that rural areas require approaches to land use intensities and densities, rural roadway corridor protection, the provision of services and facilities, environmental protection and LDC enforcement consistent with the rural character of such areas.

Policy FLU 11.2 Agricultural Primacy

The County shall encourage continuation of agricultural operations in East Seminole County. Agricultural uses on lands that have an agricultural exemption from the Seminole County Property Appraiser will be considered to have "primacy" in the area. Primacy means that conflicts between such agricultural lands and other non-agricultural uses, all other factors being equal, will be resolved in favor of the agricultural interests.

Policy FLU 11.3 Land Development Code Provisions to Accommodate Rural Uses

The County shall continue to enforce Land Development Code provisions regarding the "Rural" series of land use designations with the institutional, public and other support uses offered as conditional uses to the appropriate Rural zoning classification.

Policy FLU 11.4 Rural Cluster Development

The County shall continue to enforce Land Development Code provisions relating to Rural Clustering designed to:

- A** Preserve open space along roadway corridors;
- B** Preserve open space in rural residential areas;
- C** Preserve natural amenity areas;
- D** Enhance the rural character of the area; and
- E** Ensure that development along roadway corridors improves or protects the visual character of the corridor by encouraging the clustering of dwelling units, as long as lots are no smaller than one-half acre, in order to ensure the perpetual reservation of the undeveloped buildable land as open space.

The Rural Cluster regulations are intended to affect the location of the number of dwelling units authorized by the future land use designation and not serve as a vehicle for increasing the lot yield above the number of units authorized by the designated Rural land use designation.

Policy FLU 11.5 Roadway Corridor Overlay District for Major Roadways in East Seminole County

The County shall continue to enforce Land Development Code provisions relating to the East Seminole County Scenic Corridor Overlay District Ordinance for major roads in East Seminole County in order to regulate land development along major roadways to improve or protect the rural character of the area. The overlay corridor classification shall extend 200 feet on each side of the road right-of-way which will generally correspond to the building, parking, and clearing setbacks unless specifically determined that a particular structure or activity that is located upon property assigned the classification uniquely re-enforces the rural character of the area. The overlay district shall regulate land development along the major roadway system in East Seminole County by, at a minimum, establishing standards for:

- A** Land use types and frequencies;
- B** Preservation of existing canopy trees;
- C** Planting of new canopy trees;
- D** Landscaping requirements;
- E** Clearing setbacks and restrictions;
- F** Building character, setbacks and locations;
- G** Location of parking;
- H** Location of equipment storage;
- I** Walls, fences, entrance features and similar structures;
- J** Location and design of retention ponds;
- K** Access management;
- L** Number of travel lanes;
- M** Number and location of traffic signals;
- N** Absence or presence of overhead powerlines or their presence on only one side of the street with lateral crossings underground;
- O** Location and design of signage;
- P** Location and design of street lights; and
- Q** Easements, deed restrictions and other instruments required to perpetually preserve the undeveloped portion of the roadway corridor.

For the purposes of this policy the term "major roadway system" means County Road 419, State Road 46, County Road 426, and Snowhill Road, to the extent that they are located in East Seminole County.



Policy FLU 11.11 Methods of Providing Sanitary Sewer Outside of the Urban Service Area (as defined in the Introduction Element)

Consistent with the provision of services and facilities within the Rural Area, the County shall:

- A** Continue to rely primarily upon individual septic tank systems as the method of disposal of wastewater outside the urban services area;
- B** Encourage private central systems that exist as of the effective date of this Plan to continue to provide an adequate level of service to users in their respective service areas, although the County shall discourage the expansion of service areas;
- C** Require that new development outside adopted central service areas shall not be designed nor constructed with central water and/or sewer systems. Public and private central systems may be permitted in the future if it is demonstrated by the proponents of the system expansion, or by the State Department of Health or other public health entity, that a health problem exists in a built but unserved area for which there is no other feasible solution. In such cases, the service area expansion plans will be updated, but a future land use change shall not occur.

Policy FLU 11.12 Methods of Managing Stormwater

Consistent with the provision of services and facilities within the Rural Area, the County shall:

- A** Regulate stormwater management consistent with Countywide regulations with the objective of maximizing aquifer recharge, minimizing flooding and protecting wetland systems; and
- B** Continue to use Municipal Service Benefit Units to fund drainage improvements when appropriate.

Policy FLU 11.13 Methods of Collecting and Disposing of Solid Wastes

Consistent with the provision of services and facilities within the Rural Area, the County shall continue to use the solid and hazardous waste collection and disposal systems provided throughout the County to serve the Rural Area.

Policy FLU 11.14 Protection of Natural Resources

The County shall:

- A** Protect wetland and floodprone areas in the Rural Area consistent with the provisions of the Future Land Use and Conservation Elements of this Plan and through the potential purchase of properties with funds deriving from the Natural Lands Program authorized by voter referendum in 1990 and 2000.
- B** Periodically re-evaluate the effectiveness of the County Arbor Ordinance, referenced by *Policy FLU 1.18 Arbor Regulations*.
- C** Protect groundwater systems in the Rural Area as depicted in *Exhibit FLU: Special Area Boundaries*, including, but not limited to, the "Geneva Freshwater Lens" by:





- 1 Continuing to permit only large lot residential development in the Rural Area to minimize water consumption and maximize aquifer recharge due to small impervious surface areas;
 - 2 Relying on a system of small individual residential wells for the provision of potable water that disperse the potentially adverse effects of groundwater drawdown associated with excessive pumping of the aquifer;
 - 3 Relying on properly installed and periodically inspected septic tanks on large lots that return water to the aquifer to be the primary system of wastewater disposal; and
 - 4 Relying on stormwater management systems designed as required by the Rural Subdivision standards enacted in accordance with the provisions of this Plan to maximize recharge of stormwater into the aquifer.
- D** Protect the Econlockhatchee River in East Seminole County by:
- 1 Regulating development within the River basin in accordance with *Policy FLU 1.9 Wekiva and Econlockhatchee River Protection* and *Policy FLU 1.10 Econlockhatchee River Basin Protection*;
 - 2 Continuing to regulate development adjacent to the Econlockhatchee River in accordance with the Econlockhatchee River Protection Overlay Standards Classification, which implements *Policy FLU 1.10 Econlockhatchee River Basin Protection*;
 - 3 Purchasing properties, when appropriate, with funds from the Natural Lands Program and other Federal, State, and regional programs; and
 - 4 Enforcing provisions in the Land Development Code regarding additional bridge crossings of the Econlockhatchee River.
- E** Protect the St. Johns River by:
- 1 Continuing to enforce the Environmentally Sensitive Lands Overlay (see *Policy FLU 1.3 Wetlands Protection*); and
 - 2 Purchasing properties, when appropriate, with funds from the Natural Lands program and other Federal, State and regional programs.

Policy FLU 11.15 Code Enforcement and Implementation

- A** General - The County shall:
- 1 Continue to enforce Rural Subdivision Standards, as necessary, designed to meet the unique needs of the Rural Area;
 - 2 Continue to provide inspection and code enforcement services in the East Rural Area; and
 - 3 Continue to pursue a Joint Planning Agreement with the City of Winter Springs for the purpose of achieving *Objective FLU 11 Preserve Rural Lifestyles in Seminole County*.
- B** Existing Conditions



character of the Chuluota Area. Nonresidential development shall mean office uses, commercial uses, and any other use that is nonresidential in character as that term may be defined in the implementing ordinance.

- B** The adopted nonresidential design standards shall apply to all properties in the Chuluota Design Area which have, at the time of the adoption of this amendment, or which are subsequently amended to have, a land use designation allowing nonresidential development. The standards may be applied to individual properties within the Chuluota Design Area by ordinance, development order or any other lawful means.

Policy FLU 11.18 Rural Residential Cluster Subdivision Standards

Consistent with *Policy 11.4 – Rural Cluster Development*, lots within proposed Rural Cluster Subdivisions shall be arranged in a contiguous pattern and shall minimize disturbance to natural resources and environmentally sensitive areas. Individual lots shall not be platted into required open space. Open space shall be continuous and shall contain any environmentally sensitive features of local or regional significance. Road lengths within a Rural Cluster shall be minimized. Pedestrian circulation shall be provided via trails and paths that provide access between the open space features and the homes. Horse stables for personal use shall be permitted within Rural Cluster Subdivisions.

Policy FLU 11.19 Design Principles for Rural Neighborhoods in the East Rural Area, in General

The design principles for rural neighborhoods are:

A Open Space Standards

- 1 Maintain open vistas and protect integrity of rural character roadways.
- 2 Minimum 50% Open Space requirement.
- 3 Criteria to form open space that will ensure the creation or addition to a network of open spaces connected to regional open space.
- 4 Private maintenance of open space.

B Residential Development Standards

- 1 Lots shall be arranged in a contiguous pattern and shall minimize disturbance to natural features.
- 2 The rural appearance of land shall be protected and preserved as rural when viewed from public roads and abutting properties. The amount of road length required to serve a subdivision shall be minimized.
- 3 Individual lots shall not be platted into the required open space.
- 4 Environmentally sensitive lands and bona fide agricultural uses shall be preserved and integrated into the connected open space network.
- 5 Rural roadway levels of service shall apply; within rural neighborhoods, trails may also be permitted in lieu of paved roadways.

Rural Cluster Subdivisions as noted in *Policy FLU 11.18 Rural Residential Cluster Subdivision Standards* may be permitted in order to preserve open

space assets, but densities shall remain consistent with designated future land use classifications.

Policy FLU 11.20 Protection of Character of East Rural Area Neighborhoods

- A** The County shall seek partnerships and grant assistance in order to support the citizens of Geneva to provide infrastructure improvements that support and reinforce the historic character of the area.
- B** The County shall protect the character of the East Rural Area through the use of performance standards that require that public facilities serving the East Rural Area, including roadways, shall be designed in a context sensitive manner to ensure protection of the character of the East Rural Area
- C** Development in the East Rural Area shall be guided by performance standards in the Land Development Code that limit densities in accordance with the Future Land Use designation; preserve natural and agrarian areas; allow limited commercial uses in village settings or as roadside stands on bona fide agricultural properties; provide use restrictions and tree protection standards; limit the extension of urban infrastructure; provide opportunities for nature-based recreation and protect the Geneva Freshwater Lens, watersheds, wetlands and sensitive upland systems.

Policy FLU 11.21 Agritourism

The County's Agricultural Advisory Committee will meet on an annual basis for purposes of developing recommendations to the Board of County Commissioners that support Agritourism, including opportunities for cooperation, conflict resolution, regulatory streamlining, and other incentives.