

LDC Summary of Changes: Open Space

Note: Since these sections have been significantly reorganized, the Ordinance may show an entire section to be new or removed. However, there are no new or removed sections, and any section shown to be new or removed have actually been relocated within the Code. This summary of changes shows the proposed language on the left and the purpose of the change on the right. The right column also includes clickable links to where the language originated from or was moved to.

Current/Proposed	Change
30.14.2.1 Purpose and Applicability.	<i>No Change</i>
(a) The purpose of open space areas within developments is to provide areas for: The purpose of this Part is to provide clear standards for the establishment, function, and maintenance of open space areas within all developments.	<i>Add clarity and readability</i>
1) active and passive recreation for residents, employees, and visitors of the development;	<i>Summary of intent, clarity</i>
2) conservation and restoration of natural systems and wildlife habitats; and	<i>Summary of intent, clarity</i>
3) preservation of community character through views of vegetation and natural features.	<i>Summary of intent, clarity</i>
(b) Single-family residential development in any zoning district is exempt from this Section except in the Planned Development (PD) District or where specifically required by another Section of this Code. Nonresidential uses, where permitted in a single-family district (i.e., by Special Exception) shall be required to provide open space.	<i>Remains the same</i>
(c) The character of required open space shall be determined by development type. Open space within nonresidential developments shall meet the requirements of Section 30.14.2.2 while open space within residential developments	<i>Relocated and clarified in 30.14.2.5: “Use specific open space conditions”</i>

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shall meet the requirements of Section 30.14.2.3. Open space in redevelopment, infill development, or mixed-use developments shall meet the requirements of Section 30.14.2.4.	
(d) The amount of open space required for development shall be determined by the zoning district, development order, or other provisions of this Code applicable to the subject property. If not otherwise specified, the minimum open space shall be twenty-five (25) percent of the gross site area.	<i>Remains the same</i>
30.14.2.2 Nonresidential Open Space:	30.14.2.2 Open Space in General.
(A) Open space shall be located entirely within the boundaries of the development. For residential subdivisions, in no case shall the required open space occupy any portion of a residential lot.	Relocated from 30.14.2.2(b)
(B) Open space shall be maintained to preserve its required function(s) as follows:	Relocated from 30.14.2.2(c)
(1) Within a single-ownership development, open space shall be maintained to preserve its required function(s) by the property owner.	Relocated from 30.14.2.2(c)
(2) Within a subdivision or other form of multiple-ownership configuration, open space shall be in common area tracts and maintained by a property owners' or homeowners' association.	Relocated from 30.14.2.2(c)
(C) Types and locations of open space shall be clearly shown on the site plan, or earlier as otherwise required by this code.	Relocated from 30.14.2.3(c)
(a) —The purpose of open space in nonresidential developments is to set aside areas for landscaping, buffering, stormwater retention (subject to paragraph (d) below), recreation,	<i>This was relocated to 30.14.2.1(a)</i>

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aquifer recharge, and/or preservation of natural resources.	
(b) — Open space shall be located entirely within the boundaries of the project and may include required landscaped areas and buffers; recreational lands and facilities accessible to employees and visitors to a site; and areas providing natural resource protection for floodplains, wetlands, aquifer recharge areas, wildlife habitat, and other natural features.	<i>This is now stated in 30.14.2.2 Open Space in General in (A).</i>
(c) — Within a single-ownership development, open space shall be maintained to preserve its required function(s) by the property owner. Within a subdivision or other form of multiple-ownership configuration, open space shall be in common area tracts and maintained by a property owners association.	<i>Relocated and clarified in 30.14.2.5(A): “Use specific open space conditions”</i>
(d) — Stormwater retention ponds may be counted toward the minimum required open space area subject to the following criteria: (1) — The pond shall be sodded or dressed with equivalent ground cover; and	<i>Relocated to 30.14.2.3 Types of Open Space.(D)(2)</i>
(2) — The pond shall be accessible to all employees and visitors and shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include aesthetic features or amenities such as benches and/or picnic tables.	<i>Relocated to 30.14.2.3 Types of Open Space.(D)(1)</i>
(3) — For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.	<i>Relocated to 30.14.2.3 Types of Open Space.(D)(3)</i>
(4) — For wet ponds, littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible; provided that maintenance of the pond is not impeded. Plans shall be reviewed and	<i>Relocated to 30.14.2.3 Types of Open Space.(D)(2)(f)</i>

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approved by the Natural Resource Officer or designee.	
(e) Natural lakes may be counted toward the minimum required open space area subject to the limitation in paragraph (g) below and the following criteria:	Relocated to 30.14.2.3 Types of Open Space.(C)
(1) Only that portion of a lake that lies within the legal description of the project may count toward the required open space area; and	Relocated to 30.14.2.3 Types of Open Space.(C)(1)
(2) The lake shall be accessible to all employees or visitors and shall include other amenities including, but not limited to, trail facilities, boardwalks, fountains, benches, and picnic tables.	Relocated to 30.14.2.3 Types of Open Space.(C)(2)
(f) Conservation areas, defined for the purposes of this Part as 100-year floodplain and wetlands as delineated by the St. Johns River Water Management District, may be counted toward the minimum required open space area subject to limitations specified in paragraph (g) below.	Relocated to 30.14.2.3 Types of Open Space.(A)(Table 2.3)
(g) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space.	Relocated to 30.14.2.3 Types of Open Space.(B)
(h) Site features noted in Section 30.14.2.5 may also be counted as open space.	Relocated to 30.14.2.3 Types of Open Space.(A)
30.14.2.3 Residential Open Space.	30.14.2.3 Types of Open Space.
(a) Required open space in residential developments is intended to provide green space serving as a site amenity; areas for supplemental landscaping; stormwater retention facilities; uses for aquifer recharge; and/or the preservation of natural resources. Residential open space shall include only those lands available for the use and enjoyment of all	Relocated and clarified in 30.14.2.5; “Use specific open space conditions”

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residents of a development and shall have either an aesthetic or recreational function that shall not conflict with other site features required by this Code.	
(A) Site features noted in Table 2.3: Permitted Open Space Types may be counted as required open space subject to the criteria specified in (b)-(h) and all other standards of this section:	<i>Clarified and consolidated from 30.14.2.5 “Permitted Open Space Features.” and from other sections</i>
(B) Lakes, wetlands, retention areas, and buffers combined may account for a maximum of fifty (50) percent of the required open space; except that for non-residential developments of one (1) net buildable acre or less, only natural lakes and wetlands combined may account for the maximum of fifty (50) percent limitation and retention areas and buffers may account for up to one hundred (100) percent of the required open space.	<i>Clarified and consolidated from 30.14.2.5 “Permitted Open Space Features.” – footnotes*</i>
(C) Natural lakes may be counted toward the minimum required open space, subject to the limitation in paragraph (B) and the following criteria:	<i>Relocated from 30.14.2.2(e)</i>
(1) Only that portion of a lake that lies within the legal description of the project may count toward the required open space area; and	<i>Relocated from 30.14.2.2(e)(1)</i>
(2) The lake shall be accessible to all residents, employees, and/or visitors and shall include other amenities, including, but not limited to, trail facilities, boardwalks, fountains, benches, and picnic tables.	<i>Relocated from 30.14.2.2(e)(2)</i>
(D) Stormwater retention ponds may be counted toward the minimum required Open Space, subject to the limitation in paragraph (B) and the following criteria:	<i>Relocated from 30.14.2.2(d)</i>
(1) The pond shall be accessible to all residents, employees and/or visitors.	<i>Relocated from 30.14.2.2(d)(2)</i>

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(2) <u>The pond shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos.</u>	<i>Relocated from 30.14.2.2(d)(2)</i>
a. <u>The pond shall have a curvilinear shape simulating a natural water body.</u>	<i>Relocated from 30.14.2.2(h)(3)</i>
b. <u>The pond shall have no steeper than a 4:1 slope with no fencing.</u>	<i>Relocated from 30.14.2.2(h)(2)</i>
c. <u>The pond shall be sodded or dressed with equivalent ground cover.</u>	<i>Relocated from 30.14.2.2(h)(1)</i>
d. <u>Canopy trees shall be provided at the rate of one (1) per fifty (50) feet of pond perimeter; however, the required number of trees may be clustered for an improved aesthetic effect.</u>	<i>Relocated from 30.14.2.2(h)(4)</i>
e. <u>The pond and/or adjacent area shall include a minimum of two of the following features when adjacent to a wet pond. When adjacent to a dry pond in a residential project, a total of four of the following features shall be required:</u> i. <u>Fountain</u> ii. <u>Stabilized walking path</u> iii. <u>Exercise equipment</u> iv. <u>Benches for seating</u> v. <u>Tot lot or mini-park</u> vi. <u>Nature interpretation stations</u> vii. <u>Pavilion or other shaded structures</u> viii. <u>Other features in addition to, or substituting</u>	<i>Relocated from 30.14.2.2(h)(7)</i>

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for, the aforementioned may be approved by the Development Services Director if consistent with the intent of this Part.	
f. A littoral zone with plantings is required for wet ponds. i. Littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible, provided that maintenance of the pond is not impeded. Multiple planting depth zones are required. ii. landscape plans shall be reviewed and approved by the Natural Resource Officer or designee.	Relocated from 30.14.2.2(h)(7)
(3) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.	Relocated from 30.14.2.2(d)(3)
(E) Dry compensating storage areas may be counted towards open space upon a determination by the Development Services Director that the area will be designed as part of a park and serve a recreational purpose most of the year. Such areas are not subject to the limitations of paragraph (B).	<i>New section, allowing additional area to be counted.</i>
(F) Borrow pits must be sodded, landscaped, and/or configured as a water feature in compliance with Section 65.8(l).	<i>Expansion of an already incorporated section of LDC (65.8). Consolidated to this section for clarity.</i>
(G) Utility easements can be counted as required Open Space only if allowed by the utility company benefitting from the easement.	Relocated from 30.14.2.5 “Permitted Open Space Features.” – footnote****
(b) Open space shall be located entirely within the boundaries of the project. In no case shall the	Relocated and clarified in 30.14.2.2(A)

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required open space occupy any portion of a privately owned residential lot.	
(c) —Types and locations of open space, including recreational lands, recreational facilities, and natural resource protection areas, shall be clearly shown on a development plan prior to project approval.	<i>Relocated and clarified in 30.14.2.2(C)</i>
(d) —No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this distance requirement where the developer proposes a major recreational facility that will occupy at least fifty (50) percent of the required open space for the development. No more than thirty-five (35) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.	<i>Relocated and clarified in 30.14.2.5; “Use-Specific Conditions”</i>
(e) —Where intervening properties separate a dwelling unit from an open space area, the Development Services Director may require an easement or other means of access for bicycle and pedestrian traffic to minimize the need to cross or travel on roads carrying motorized vehicles.	<i>Relocated and clarified in 30.14.2.5(2)</i>
(f) —Except as provided in this paragraph, no parcel of property or portion thereof, less than forty (40) feet wide and seven thousand five hundred (7,500) square feet in size, shall be counted toward the designated open space requirement. Open space areas less than forty (40) feet in width containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving the entire development. Dog parks and tot lots that are a minimum of seventy-five (75)	<i>Relocated and clarified in 30.14.2.4(A)</i>

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square feet per dwelling unit are also exempt from this requirement and may count towards open space. Dog parks must contain waste disposal receptacles and appropriate signage.	
(g) Required open space within a subdivision shall be platted as a common area and shall be owned and maintained by a homeowners' association.	Relocated in 30.14.2.2(B)(2)
(h) Stormwater retention ponds may be counted toward the minimum area requirement subject to the following criteria:	Relocated in 30.14.2.3(D)
(1) The pond shall be sodded or dressed with equivalent ground cover.	Relocated in 30.14.2.3(D)(2)(c)
(2) The pond shall have no greater than a 4:1 slope with no fencing.	Relocated in 30.14.2.3(D)(2)(b)
(3) The pond shall have a curvilinear shape simulating a natural water body.	Relocated in 30.14.2.3(D)(2)(a)
(4) Canopy trees shall be provided at the rate of one (1) per fifty (50) feet of pond perimeter; however, the required number of trees may be clustered for an improved aesthetic effect.	Relocated in 30.14.2.3(D)(2)(d)
(5) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.	Relocated in 30.14.2.3(D)(3)
(6) For wet ponds, littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible; provided that maintenance of the pond is not impeded. Plans shall be reviewed and approved by the Natural Resource Officer or designee.	Relocated in 30.14.2.3(D)(f)(i)
(7) The pond shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include	Relocated in 30.14.2.3(D)(e)

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other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos. For wet ponds, a littoral zone with plantings is required. Other features in addition to or substituting for the aforementioned may be approved by the Development Services Director consistent with the intent of this Part. The pond and/or adjacent area shall include a minimum of two of the following features: a. Fountain b. Stabilized walking path c. Exercise equipment d. Benches for seating e. Tot lot or mini-park	
(i) Natural lakes may be counted toward the minimum area requirement subject to the limitations in paragraph (k) below and the following criteria:	<i>Relocated in 30.14.2.3(B)</i>
(1) The lakeshore shall be accessible to all residents, and shall include one or more visual or recreational amenities including, but not limited to, trail facilities, boardwalks, fountains, and picnic tables.	<i>Relocated in 30.14.2.3(C)(2)</i>
(2) Only that portion of a lake that lies within the legal description of the project may count toward the required open space.	<i>Relocated in 30.14.2.3(C)(1)</i>
(j) Conservation areas, defined for the purposes of this Part as the 100-year floodplain or wetlands as delineated by the St. Johns River Water Management District, may be counted toward the minimum area requirement subject to limitations specified in paragraph (k) below.	<i>Relocated in 30.14.2.3(A)(Table YY)</i>

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(k) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum area of more than fifty (50) percent of the required open space area.	<i>Relocated in 30.14.2.3(B)</i>
(t) Required landscaped areas and buffers may not be credited toward the required open space area.	<i>Now an allowed credit; Relocated in 30.14.2.3(A)(Table YY)</i>
(m) Site features noted in Section 30.14.2.5 may also be counted as open space.	<i>Relocated in 30.14.2.3(A)(Table YY)</i>
30.14.2.4 Infill, Redevelopment, and Mixed-Use Open Space:	30.14.2.4 Standards for Open Space.
Areas dedicated as open space must be accessible to all intended users of the development or the portion of the development for which the open space is counted.	<i>Relocated and clarified from 30.14.2.4(i)</i>
If an applicant intends to limit a portion of the open space to a particular group of users, then the development must separately demonstrate compliance with open space requirements for the portion of the development that will not have access to the limited open space.	<i>New section which summarizes the accessibility of Open Space - was stated in previous sections</i>
Open space within a development must meet the following dimensional standards:	
(A) Except as provided in this paragraph, no parcel of property or portion thereof, less than forty (40) feet wide and seven thousand five hundred (7,500) square feet in size, shall be counted toward the designated open space requirement.	<i>Relocated from 30.14.2.3(f)</i>
(1) Open space at least twenty (20) feet in width containing paved or stabilized paths for pedestrians and/or bicycles or horse trails shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving the entire development or connected to off-site recreation trails.	<i>Relocated from 30.14.2.3(f); clarified and added additional exemption options</i>
(2) Dog parks and tot lots that are a minimum of seventy-five (75) square feet per dwelling unit may count towards open space. Dog parks	<i>Relocated from 30.14.2.3(f)</i>

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<u>must contain waste disposal receptacles and appropriate signage.</u>	
(3) <u>Open Spaces adjacent to a water body must be a minimum of twenty (20) feet in width measured from the top of the berm to any public right of way, lot line, fence, or building area.</u>	Relocated from 30.14.2.3(h)(7)
(4) <u>If less than seven thousand five hundred (7,500) square feet of open space is required, then all provided open space must be contiguous.</u>	Relocated from 30.14.2.3(f)
(B) <u>Open space shall not be fenced, except where otherwise noted, unless necessary for safety reasons, such as:</u>	Relocated from 30.14.2.4(e)
(1) <u>Dog parks and playgrounds may be fenced for safety purposes.</u>	<i>New language which gives additional options</i>
(2) <u>Pools or other areas that must be fenced as required by state regulations.</u>	<i>New language which gives additional options</i>
(3) <u>Railings and other decorative features that are not intended to limit access are permitted.</u>	<i>New language which gives additional options</i>
(C) <u>Open space shall not contain storage areas or other service-related functions.</u>	Relocated from 30.14.2.4(e)
(D) <u>Open space shall not contain mechanical units and equipment, unless a determination is made by the Development Services Director that such equipment is de minimis and not disruptive to the intended function of the open space.</u>	Relocated from 30.14.2.4(e)
(E) <u>Allowable features within recreational open space include but are not limited to:</u> (1) <u>Paved jogging and bicycling path;</u> (2) <u>Outdoor dining/seating areas not limited to patrons of a single business;</u> (3) <u>Outdoor recreation facilities;</u> (4) <u>Outdoor sculpture garden;</u> (5) <u>Decorative fountain, Interactive fountain;</u> (6) <u>Benches and shade; and</u> (7) <u>Plant conservatory.</u>	Relocated from 30.14.2.5 "Permitted Open Space Features" table
(a) The purpose of open space in infill development, redevelopment, and mixed use	Relocated in 30.14.2.2

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developments is to provide areas for supplemental landscaping; buffering; recreational or aesthetic amenities; stormwater retention; aquifer recharge; and/or preservation of natural resources.	
(b) Open space shall be located entirely within the boundaries of the project. Open space may include: landscaping and buffers; recreational facilities and amenities accessible to all users of the site; recreational facilities and amenities accessible only to residents; stormwater facilities; and areas providing for natural resource protection.	Relocated in 30.14.2.2(A)
(c) Types and locations of open space shall be clearly shown on a development plan prior to approval by Seminole County.	Relocated in 30.14.2.2(C)
(d) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this requirement when the developer proposes a major recreational facility that will provide at least fifty (50) percent of the required open space for development.	Relocated in 30.14.2.5
(e) Open space areas shall not be fenced, unless necessary for safety reasons, and shall not contain mechanical units and equipment, storage areas, or other service-related functions.	Relocated in 30.14.2.4(B)
(f) Stormwater retention ponds may be counted toward the minimum area requirement subject to the following criteria:	Relocated in 30.14.2.3(D)
(1) The pond shall be sodded or dressed with equivalent ground cover; and	Relocated in 30.14.2.3(D)(2)(c)
(2) The pond shall be landscaped and configured in a manner that results in a	Relocated in 30.14.2.3(D)(2)

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visual amenity for the site, and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos. Other features in addition to or substituting for the aforementioned may be approved by the Development Services Director consistent with the intent of this Part.	
(g) — Required open space within infill development, redevelopment, or mixed-use development, which serves primarily the residential portion of a development, shall be platted as a common area and shall be owned and maintained by a homeowner association or other entity which is capable of maintaining the function of the open space, as determined by the Development Services Director. Required open space within infill development, redevelopment, or mixed-use development which serves primarily the nonresidential portion of the development shall be owned and maintained by a property owners' association.	<i>Relocated in 30.14.2.5</i>
(h) — Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space area.	<i>Relocated and expanded in 30.14.2.3(B)</i>
(i) — Open space shall be continuous wherever possible, shall be accessible to all uses within a development when practical and safe, shall contain pedestrian amenities (including lighted, accessible walkways with shade trees), and shall include lighted public plazas serving structures that contain retail and/or office uses. Public plazas shall contain benches with shade trees or permanent coverings.	<u>Removed</u>
(j) — Selected facilities located indoors or on rooftops may be permitted where they serve as	<u>Removed</u>

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amenities when available for use and enjoyment by all residents or users of a development. Excluded from eligibility as credited open space are theaters, restaurants, religious facilities, and retail, commercial uses.	
(k) Site features noted in Section 30.14.2.5 may be counted as open space.	Relocated in 30.14.2.3(A)(Table YY)
30.14.2.5 Permitted Open Space Features: <i>(Note: The existing table was simplified and replaced in 30.14.2.3(A)(Table YY)</i>	<u>30.14.2.5 Use-Specific Conditions.</u>
<u>30.14.2.5 Use specific open space conditions.</u>	New section name.
(A) For single-family residential developments, the following conditions apply:	Relocated from 30.14.2.3
(1) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this distance requirement where the developer proposes a major recreational facility that will occupy at least twenty-five (25) percent of the required open space for the development. No more than thirty-five (35) percent of the dwelling units in the development may be occupied before this facility is completed and available for use, unless the facility was not included in the overall open space calculation.	Relocated from 30.14.2.3(d) Note: The words “unless the facility was not included in the overall open space calculation” Is an addition.
(2) Where intervening properties separate a dwelling unit from an area dedicated as open space, the Development Services Director may require an easement or other means of access for bicycle and pedestrian traffic to minimize the need to cross or travel on roads carrying motorized vehicles.	Relocated from 30.14.2.3(e)
(B) For multi-family, the following conditions apply:	Relocated from 30.14.2.4

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<u>No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this requirement when the developer proposes a major recreational facility that will provide at least fifty (50) percent of the required open space for development.</u>	Relocated from <u>30.14.2.3(d)</u>

New Table (*consolidated table of uses from each section*):

Table 2.3: Permitted Types of Open Space
<u>100-year floodplain</u>
<u>Borrow pits</u>
<u>Clubhouse / fitness center / pool</u>
<u>Lakes</u>
<u>Landscaped upland areas</u>
<u>Public plazas</u>
<u>Required buffer areas except in single-family residential subdivisions</u>
<u>Retention areas</u>
<u>Undisturbed upland areas</u>
<u>Utility easements</u>
<u>Wetlands</u>

Removed Table (Now **30.14.2.4 Standards for Open Space.(F)**):

Feature	Nonresidential Open Space	Residential Open Space	Mixed-Use Infill, Redevelopment
<u>100-year floodplain</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>

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Borrow pits	Y**	Y**	Y**
Clubhouse/admin. Offices fitness center	N	Y	Y
Curated art museums/galleries	N	N	Y
Decorative fountain, Interactive fountain	Y	Y	Y
Fitness center internal to the residential portion of a development	N	N	Y
Lakes	Y*	Y*	Y*
Outdoor exercise trail	Y	Y	Y
Outdoor dining/seating areas not limited to patrons of a single business	Y	N	Y
Outdoor recreation facilities	Y	Y	Y
Outdoor sculpture garden	Y	Y	Y
Out parcels	N	N	N
Parking lots	N	N	N
Paved jogging and bicycling path	Y	Y	Y
Plant conservatory	N	N	Y
Platted residential lots	=	N	N
Power line easements	Y	Y****	Y
Power line easements or R/W containing trails or similar rec. amenities	Y	Y	Y
Private roads	N	N	N
Public plazas with benches and shade trees	Y	Y	Y
Public road R/W	N	N	N
Required buffer areas	Y	N	Y
Retention (amenitized per Code)	Y	Y	Y
Retention (not amenitized)	N	N	N
Green roof or rooftop garden with pedestrian access, rooftop recreational features such as swimming pools	Y	Y****	Y
Upland common areas less than 40' in width, without pedestrian, bicycle, or horse trails	Y	N	Y

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Upland common areas less than 40' in width developed with pedestrian, bicycle, or horse trails	Y	Y	Y
Upland common areas exceeding 40' in width	Y	Y	Y
Utility easements	Y	Y	Y
Wetlands	Y*	Y*	Y*

Sec. 30.14.2. Open space.

30.14.2.1 Purpose and Applicability.

- (a) ~~The purpose of open space areas within developments is to provide areas for: The purpose of this Part is to provide clear standards for the establishment, function, and maintenance of open space areas within all developments:~~
 - 4) ~~active and passive recreation for residents, employees, and visitors of the development;~~
 - 5) ~~conservation and restoration of natural systems and wildlife habitats; and~~
 - 6) ~~preservation of community character through views of vegetation and natural features.~~
- (b) Single-family residential development in any zoning district is exempt from this Section except in the Planned Development (PD) District or where specifically required by another Section of this Code. Nonresidential uses, where permitted in a single-family district (i.e., by Special Exception) shall be required to provide open space.
- (c) ~~The character of required open space shall be determined by development type. Open space within nonresidential developments shall meet the requirements of Section~~

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~~30.14.2.2 while open space within residential developments shall meet the requirements of Section 30.14.2.3. Open space in redevelopment, infill development, or mixed-use developments shall meet the requirements of Section 30.14.2.4.~~

~~(d)~~—The amount of open space required for development shall be determined by the zoning district, development order, or other provisions of this Code applicable to the subject property. ~~If not otherwise specified, the minimum open space shall be twenty-five (25) percent of the gross site area. The standard open space requirement as required by the zoning district is as follows:~~

Zoning District	Open Space Percentage
A-1	=
A-3	=
A-5	=
A-10	=
OP	25%
CN	25%
CS	25%
C-1	25%
C-2	25%
C-3	25%
M-1A	25%
M-1	25%
M-2	25%
PD	25%
PLI	25%
RC-1	=
R-1AAAA	=
R-1AAA	=
R-1AA	=
R-1A	=

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<u>R-1</u>	=
<u>R-1B</u>	=
<u>R-1BB</u>	=
<u>R-2</u>	=
<u>R-3</u>	<u>25%</u>
<u>R-3A</u>	<u>25%</u>
<u>R-4</u>	<u>25%</u>
<u>RM-1</u>	<u>25%</u>
<u>RM-2</u>	<u>25%</u>
<u>RM-3</u>	<u>25%</u>
<u>RP</u>	<u>25%</u>
<u>UC</u>	<u>25%</u>

30.14.2.2 Open Space in General.

(A) Open space shall be located entirely within the boundaries of the development.

For residential subdivisions, in no case shall the required open space occupy any portion of a residential lot.

(B) Open space shall be maintained to preserve its required function(s) as follows:

(1) Within a single-ownership development, open space shall be maintained to preserve its required function(s) by the property owner.

(2) Within a subdivision or other form of multiple-ownership configuration, open space shall be in common area tracts and maintained by a property owners' or homeowners' association.

(C) Types and locations of open space shall be clearly shown on the site plan, or earlier as otherwise required by this code.

30.14.2.3 Types of Open Space.

(A) Site features noted in Table 2.3: Permitted Types of Open Space may be counted as required open space subject to the criteria specified in (b)-(h) and all other standards of this section:

<u>Table 2.3: Permitted Types of Open Space</u>

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<u>100-year floodplain</u>
<u>Borrow pits</u>
<u>Clubhouse / fitness center / pool</u>
<u>Lakes</u>
<u>Landscaped upland areas</u>
<u>Public plazas</u>
<u>Required buffer areas except in single-family residential subdivisions</u>
<u>Retention areas</u>
<u>Undisturbed upland areas</u>
<u>Utility easements</u>
<u>Wetlands</u>

(B) Lakes, wetlands, retention areas, and buffers combined may account for a maximum of fifty (50) percent of the required open space; except that for non-residential development of one (1) net buildable acres or less, only natural lakes and wetlands combined shall be subject to the maximum of fifty (50) percent limitation, and retention areas and buffers may account for up to one hundred (100) percent of the required open space.

(C) Natural lakes may be counted toward the minimum required open space area, subject to the limitation in paragraph (B) and the following criteria:

(1) Only that portion of a lake that lies within the legal description of the project may count toward the required open space area; and

(2) The lake shall be accessible to all residents, employees, and/or visitors and shall include other amenities, including, but not limited to, trail facilities, boardwalks, fountains, benches, and picnic tables.

(D) Stormwater retention ponds may be counted toward the minimum required open space, subject to the limitation in paragraph (B) and the following criteria:

(1) The pond shall be accessible to all residents, employees and/or visitors.

(2) The pond shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos.

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- a. The pond shall have a curvilinear shape simulating a natural water body.
- b. The pond shall have no steeper than a 4:1 slope with no fencing.
- c. The pond shall be sodded or dressed with equivalent ground cover.
- d. Canopy trees shall be provided at the rate of one (1) per fifty (50) feet of pond perimeter; however, the required number of trees may be clustered for an improved aesthetic effect.

e. The pond and/or adjacent area shall include a minimum of two of the following features when adjacent to a wet pond. When adjacent to a dry pond in a residential project a total of four of the following features shall be included:

- i. Fountain
- ii. Stabilized walking path
- iii. Exercise equipment
- iv. Benches for seating
- v. Tot lot or mini-park
- vi. Nature interpretation stations
- vii. Pavilion or other shaded structures
- viii. Other features in addition to, or substituting for, the aforementioned may be approved by the Development Services Director consistent with the intent of this Part.

f. A littoral zone with plantings is required for wet ponds.

- i. Littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible, provided that maintenance of the pond is not impeded. Multiple planting depth zones are required.
- ii. Landscape plans shall be reviewed and approved by the Natural Resource Officer or designee.

(4) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.

(E) Dry compensating storage areas may be counted towards open space upon a determination by the Development Services Director that the area will be designed as part of a park and serve a recreational purpose most of the year. Such areas are not subject to the limitations of paragraph (B).

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(F) Borrow pits must be sodded, landscaped, and/or configured as a water feature in compliance with Section 65.8(l).

(G) Utility easements can be counted as required open space only if allowed by the utility company.

30.14.2.4 Standards for Open Space.

Areas dedicated as open space must be accessible to all intended users of the development or the portion of the development for which the open space is counted.

If an applicant intends to limit a portion of the open space to a particular group of users, then the development must separately demonstrate compliance with open space requirements for the portion of the development that will not have access to the limited open space.

Open space within a development must meet the following dimensional standards:

- (A) Except as provided in this paragraph, no parcel of property or portion thereof, less than forty (40) feet wide and seven thousand five hundred (7,500) square feet in size, shall be counted toward the designated open space requirement.
 - (1) Open space at least twenty (10) feet in width containing paved or stabilized paths for pedestrians and/or bicycles or horse trails shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving the entire development or connected to off-site recreation trails.
 - (2) Dog parks and tot lots that are a minimum of seventy-five (75) square feet per dwelling unit may count towards open space. Dog parks must contain waste disposal receptacles and appropriate signage.
 - (3) Open space adjacent to a water body must be a minimum of twenty (20) feet in width measured from the top of the berm to any public right of way, lot line, fence, or building area.
 - (4) If less than seven thousand five hundred (7,500) square feet of Open Space is required, then all provided open space must be contiguous.
- (B) Open space shall not be fenced, except where otherwise noted, unless necessary for safety reasons, such as:
 - (1) Dog parks and playgrounds may be fenced for safety purposes.
 - (2) Pools or other areas that must be fenced as required by state regulations.
 - (3) Railings and other decorative features that are not intended to limit access are permitted.
- (C) Open space shall not contain storage areas or other service-related functions.
- (D) Open space shall not contain mechanical units and equipment, unless a determination is made by the Development Services Director that such equipment is de minimis and not disruptive to the intended function of the open space.
- (E) Allowable features within recreational open space include but are not limited to:
 - (1) Paved jogging and bicycling path;

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- (2) Outdoor dining/seating areas not limited to patrons of a single business;
- (3) Outdoor recreation facilities;
- (4) Outdoor sculpture garden;
- (5) Decorative fountain, Interactive fountain;
- (6) Benches and shade; and
- (7) Plant conservatory.

30.14.2.5 Use specific open space conditions.

(A) For single-family residential developments, the following conditions apply:

(1) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this distance requirement where the developer proposes a major recreational facility that will occupy at least twenty-five (25) percent of the required open space for the development. No more than thirty-five (35) percent of the dwelling units in the development may be occupied before this facility is completed and available for use, unless the facility was not included in the overall open space calculation.

(2) Where intervening properties separate a dwelling unit from an area dedicated as open space, the Development Services Director may require an easement or other means of access for bicycle and pedestrian traffic to minimize the need to cross or travel on roads carrying motorized vehicles.

(B) For multi-family, the following conditions apply:

No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this requirement when the developer proposes a major recreational facility that will provide at least fifty (50) percent of the required Open Space for development.

30.14.2.2 Nonresidential Open Space:

- ~~(a) The purpose of open space in nonresidential developments is to set aside areas for landscaping, buffering, stormwater retention (subject to paragraph (d) below), recreation, aquifer recharge, and/or preservation of natural resources.~~
- ~~(b) Open space shall be located entirely within the boundaries of the project and may include required landscaped areas and buffers; recreational lands and facilities accessible to employees and visitors to a site; and areas providing natural resource protection for floodplains, wetlands, aquifer recharge areas, wildlife habitat, and other natural features.~~
- ~~(c) Within a single-ownership development, open space shall be maintained to preserve its required function(s) by the property owner. Within a subdivision or other form of multiple-ownership configuration, open space shall be in common area tracts and maintained by a property owners association.~~

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- ~~(d) Stormwater retention ponds may be counted toward the minimum required open space area subject to the following criteria:~~
 - ~~(1) The pond shall be sodded or dressed with equivalent ground cover; and~~
 - ~~(2) The pond shall be accessible to all employees and visitors and shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include aesthetic features or amenities such as benches and/or picnic tables.~~
 - ~~(3) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.~~
 - ~~(4) For wet ponds, littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible, provided that maintenance of the pond is not impeded. Plans shall be reviewed and approved by the Natural Resource Officer or designee.~~
- ~~(e) Natural lakes may be counted toward the minimum required open space area subject to the limitation in paragraph (g) below and the following criteria:~~
 - ~~(1) Only that portion of a lake that lies within the legal description of the project may count toward the required open space area; and~~
 - ~~(2) The lake shall be accessible to all employees or visitors and shall include other amenities including, but not limited to, trail facilities, boardwalks, fountains, benches, and picnic tables.~~
- ~~(f) Conservation areas, defined for the purposes of this Part as 100-year floodplain and wetlands as delineated by the St. Johns River Water Management District, may be counted toward the minimum required open space area subject to limitations specified in paragraph (g) below.~~
- ~~(g) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space.~~
- ~~(h) Site features noted in Section 30.14.2.5 may also be counted as open space.~~

30.14.2.3 Residential Open Space.

- ~~(a) Required open space in residential developments is intended to provide green space serving as a site amenity; areas for supplemental landscaping; stormwater retention facilities; uses for aquifer recharge; and/or the preservation of natural resources. Residential open space shall include only those lands available for the use and enjoyment of all residents of a development and shall have either an aesthetic or recreational function that shall not conflict with other site features required by this Code.~~
- ~~(b) Open space shall be located entirely within the boundaries of the project. In no case shall the required open space occupy any portion of a privately owned residential lot.~~

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- ~~(c) Types and locations of open space, including recreational lands, recreational facilities, and natural resource protection areas, shall be clearly shown on a development plan prior to project approval.~~
- ~~(d) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this distance requirement where the developer proposes a major recreational facility that will occupy at least fifty (50) percent of the required open space for the development. No more than thirty-five (35) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.~~
- ~~(e) Where intervening properties separate a dwelling unit from an open space area, the Development Services Director may require an easement or other means of access for bicycle and pedestrian traffic to minimize the need to cross or travel on roads carrying motorized vehicles.~~
- ~~(f) Except as provided in this paragraph, no parcel of property or portion thereof, less than forty (40) feet wide and seven thousand five hundred (7,500) square feet in size, shall be counted toward the designated open space requirement. Open space areas less than forty (40) feet in width containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving the entire development. Dog parks and tot lots that are a minimum of seventy-five (75) square feet per dwelling unit are also exempt from this requirement and may count towards open space. Dog parks must contain waste disposal receptacles and appropriate signage.~~
- ~~(g) Required open space within a subdivision shall be platted as a common area and shall be owned and maintained by a homeowners' association.~~
- ~~(h) Stormwater retention ponds may be counted toward the minimum area requirement subject to the following criteria:
 - ~~(1) The pond shall be sodded or dressed with equivalent ground cover.~~
 - ~~(2) The pond shall have no greater than a 4:1 slope with no fencing.~~
 - ~~(3) The pond shall have a curvilinear shape simulating a natural water body.~~
 - ~~(4) Canopy trees shall be provided at the rate of one (1) per fifty (50) feet of pond perimeter; however, the required number of trees may be clustered for an improved aesthetic effect.~~
 - ~~(5) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.~~
 - ~~(6) For wet ponds, littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible, provided that maintenance of the pond is~~~~

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~~not impeded. Plans shall be reviewed and approved by the Natural Resource Officer or designee.~~

~~(7) The pond shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos. For wet ponds, a littoral zone with plantings is required. Other features in addition to or substituting for the aforementioned may be approved by the Development Services Director consistent with the intent of this Part. The pond and/or adjacent area shall include a minimum of two of the following features:~~

- ~~a. Fountain~~
- ~~b. Stabilized walking path~~
- ~~c. Exercise equipment~~
- ~~d. Benches for seating~~
- ~~e. Tot lot or mini-park~~

~~(i) Natural lakes may be counted toward the minimum area requirement subject to the limitations in paragraph (k) below and the following criteria:~~

- ~~(1) The lakeshore shall be accessible to all residents, and shall include one or more visual or recreational amenities including, but not limited to, trail facilities, boardwalks, fountains, and picnic tables.~~
- ~~(2) Only that portion of a lake that lies within the legal description of the project may count toward the required open space.~~

~~(j) Conservation areas, defined for the purposes of this Part as the 100-year floodplain or wetlands as delineated by the St. Johns River Water Management District, may be counted toward the minimum area requirement subject to limitations specified in paragraph (k) below.~~

~~(k) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum area of more than fifty (50) percent of the required open space area.~~

~~(l) Required landscaped areas and buffers may not be credited toward the required open space area.~~

~~(m) Site features noted in Section 30.14.2.5 may also be counted as open space.~~

~~30.14.2.4 Infill, Redevelopment, and Mixed-Use Open Space:~~

~~(a) The purpose of open space in infill development, redevelopment, and mixed use developments is to provide areas for supplemental landscaping, buffering, recreational or aesthetic amenities; stormwater retention; aquifer recharge; and/or preservation of natural resources.~~

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- ~~(b) Open space shall be located entirely within the boundaries of the project. Open space may include: landscaping and buffers; recreational facilities and amenities accessible to all users of the site; recreational facilities and amenities accessible only to residents; stormwater facilities; and areas providing for natural resource protection.~~
- ~~(c) Types and locations of open space shall be clearly shown on a development plan prior to approval by Seminole County.~~
- ~~(d) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this requirement when the developer proposes a major recreational facility that will provide at least fifty (50) percent of the required open space for development.~~
- ~~(e) Open space areas shall not be fenced, unless necessary for safety reasons, and shall not contain mechanical units and equipment, storage areas, or other service-related functions.~~
- ~~(f) Stormwater retention ponds may be counted toward the minimum area requirement subject to the following criteria:
 - ~~(1) The pond shall be sodded or dressed with equivalent ground cover; and~~
 - ~~(2) The pond shall be landscaped and configured in a manner that results in a visual amenity for the site, and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos. Other features in addition to or substituting for the aforementioned may be approved by the Development Services Director consistent with the intent of this Part.~~~~
- ~~(g) Required open space within infill development, redevelopment, or mixed-use development, which serves primarily the residential portion of a development, shall be platted as a common area and shall be owned and maintained by a homeowner association or other entity which is capable of maintaining the function of the open space, as determined by the Development Services Director. Required open space within infill development, redevelopment, or mixed-use development which serves primarily the nonresidential portion of the development shall be owned and maintained by a property owners' association.~~
- ~~(h) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space area.~~
- ~~(i) Open space shall be continuous wherever possible, shall be accessible to all uses within a development when practical and safe, shall contain pedestrian amenities (including lighted, accessible walkways with shade trees), and shall include lighted public plazas serving structures that contain retail and/or office uses. Public plazas shall contain benches with shade trees or permanent coverings.~~
- ~~(j) Selected facilities located indoors or on rooftops may be permitted where they serve as amenities when available for use and enjoyment by all residents or users of a~~

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development. Excluded from eligibility as credited open space are theaters, restaurants, religious facilities, and retail, commercial uses.

(k) Site features noted in Section 30.14.2.5 may be counted as open space.

30.14.2.5 Permitted Open Space Features:

Feature	Nonresidential Open Space	Residential Open Space	Mixed-Use Infill, Redevelopment
100-year floodplain	Y*	Y*	Y*
Borrow pits	Y**	Y**	Y**
Clubhouse/admin. Offices fitness center	N	Y	Y
Curated art museums/galleries	N	N	Y
Decorative fountain, Interactive fountain	Y	Y	Y
Fitness center internal to the residential portion of a development	N	N	Y
Lakes	Y*	Y*	Y*
Outdoor exercise trail	Y	Y	Y
Outdoor dining/seating areas not limited to patrons of a single business	Y	N	Y
Outdoor recreation facilities	Y	Y	Y
Outdoor sculpture garden	Y	Y	Y
Outparcels	N	N	N
Parking lots	N	N	N
Paved jogging and bicycling path	Y	Y	Y
Plant conservatory	N	N	Y
Platted residential lots	—	N	N
Power line easements	Y	Y*****	Y
Power line easements or R/W containing trails or similar rec. amenities	Y	Y	Y
Private roads	N	N	N
Public plazas with benches and shade trees	Y	Y	Y
Public road R/W	N	N	N
Required buffer areas	Y	N	Y
Retention (amenitized per Code)	Y	Y	Y
Retention (not amenitized)	N	N	N

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Green roof or rooftop garden with pedestrian access, rooftop recreational features such as swimming pools	Y	Y***	Y
Upland common areas less than 40' in width, without pedestrian, bicycle, or horse trails	Y	N	Y
Upland common areas less than 40' in width developed with pedestrian, bicycle, or horse trails	Y	Y	Y
Upland common areas exceeding 40' in width	Y	Y	Y
Utility easements	Y	Y	Y
Wetlands	Y*	Y*	Y*

Table notes:

Y = Permitted to be counted toward area requirements.

N = Not permitted to be counted toward area requirements.

*Floodplains, wetlands, and lakes, together or separately, shall be limited to fifty (50) percent of total open space requirement for any development.

**Borrow pits may count as open space only if sodded, landscaped, and/or configured as a water feature in compliance with Section 65.8(l).

***Permitted in residential developments of five (5) or more units per net buildable acre, where such facilities are located on common property and accessible to all residents.

****If allowed by utility company.

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90.14.2.5 Permitted Open Space Features:

Feature	Nonresidential Open Space	Residential Open Space	Mixed-Use Infill, Redevelopment
100-year floodplain	Y*	Y*	Y*
Borrow pits	Y***	Y***	Y***
Clubhouse/admin. Offices fitness center	N	Y	Y
Curated art museums/galleries	N	N	Y
Decorative fountain, interactive fountain	Y	Y	Y
Fitness center internal to the residential portion of a development	N	N	Y
Lakes	Y*	Y*	Y*
Outdoor exercise trail	Y	Y	Y
Outdoor dining/seating areas not limited to patrons of a single business	Y	N	Y
Outdoor recreation facilities	Y	Y	Y
Outdoor sculpture garden	Y	Y	Y
Outparcels	N	N	N
Paved jogging and bicycling path	Y	Y	Y
Plant conservatory	N	N	Y
Platted residential lots	—	N	N
Power line easements	Y	Y****	Y
Power line easements or R/W containing trails or similar rec. amenities	Y	Y	Y
Private roads	N	N	N
Public plazas with benches and shade trees	Y	Y	Y
Public road R/W	N	N	N
Required buffer areas	Y	N	Y
Retention (amenitized per Code)	Y	Y	Y
Retention (not amenitized)	N	N	N
Green roof or rooftop garden with pedestrian access, rooftop recreational features such as swimming pools	Y	Y***	Y
Upland common areas less than 40' in width, without pedestrian, bicycle, or horse trails	Y	N	Y
Upland common areas less than 40' in width developed with pedestrian, bicycle, or horse trails	Y	Y	Y
Upland common areas exceeding 40' in width	Y	Y	Y
Utility easements	Y	Y	Y
Wetlands	Y*	Y*	Y*

Table notes:

Y = Permitted to be counted toward area requirements:

N = Not permitted to be counted toward area requirements:

*Floodplains, wetlands, and lakes, together or separately, shall be limited to fifty (50) percent of total open space requirement for any development.

**Borrow pits may count as open space only if sodded, landscaped, and/or configured as a water feature in compliance with Section 65.0(l).

***Permitted in residential developments of five (5) or more units per net buildable acre; where such facilities are located on common property and accessible to all residents:

****If allowed by utility company: