

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Text Amendments to the Seminole County Comprehensive Plan

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

AUTHORIZED BY: Dori DeBord **CONTACT:** Sheryl Stolzenberg **EXT:** 7383

MOTION/RECOMMENDATION:

[Continued From 7/28/2009] 1. Transmit the text amendments to the Seminole County Comprehensive Plan to the State Land Planning Agency; or

- 2. Deny transmittal of the text amendments; or
- 3. Continue the public hearing until a time and date certain.

County-wide

Sheryl Stolzenberg

BACKGROUND:

On December 9, 2008, the Board of County Commissioners (BCC) adopted text and map amendments to the Seminole County Comprehensive Plan based on the 2006 Evaluation and Appraisal Report (EAR). The amendments included changes that had been required by the State Department of Community Affairs (DCA) in the Objections, Recommendations and Comments (ORC) Report issued October 17, 2008.

The process of adopting amendments to a local comprehensive plan requires a second submittal to the State after adoption. During that review, DCA and other state agencies determined that additional text changes were needed to ensure that the Seminole County Comprehensive Plan met state law. In order to ensure that DCA was able to issue a finding of "In Compliance with State Law" for the December 2008 amendments, staff agreed to present the additional amendments to the County for adoption during the next round of amendments.

Staff has also identified a number of text amendments needed to avoid a potential internal inconsistency in the Comprehensive Plan resulting from the installation of public improvements of overriding public benefit in otherwise protected areas. In addition, staff has identified text amendments needed to comply with the newest revisions of the Growth Management Act contained in Senate Bill 360.

The following documentation is attached to this memorandum:

- 1. A table of Recommended Text Changes explaining which portions of text are recommended for amendment, why the change is recommended, and a brief summary of the change.
- 2. For each plan element page for which a change is recommended, the page is attached

showing the amendment in strike-through and underline format.

Planning and Zoning Commission/Local Planning Agency Recommendation

The Planning and Zoning Commission, acting in its role as Local/Land Planning Agency, voted 5-0 to recommend transmittal of the proposed text amendments at its regular meeting held June 3, 2009.

STAFF RECOMMENDATION:

Staff recommends that the Board transmit the text amendments to the Seminole County Comprehensive Plan to the State Land Planning Agency.

ATTACHMENTS:

1. Summary Table of Proposed Amendments
2. State Agency-directed amendments
3. Revised FLU Exhibit Areas of Arch Potential
4. Avoiding plan conflicts amendments
5. TCEA Amendments First Section
6. TCEA Amendments Second Section
7. TCEA Map Exhibit
8. LU Rezone Same Time Amendments
9. Clarify Processes Amendments
10. Other Important Amendments
11. PZ Minutes June 2009 text amendments

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

**SEMINOLE COUNTY COMPREHENSIVE PLAN PROPOSED TEXT AMENDMENTS
SPRING CYCLE OF 2009**

ELEMENT(S) TO BE AMENDED	SECTION(S) OF ELEMENT TO BE AMENDED	SUMMARY OF WHY NEEDED	SUMMARY OF PROPOSED AMENDMENT
STATE AGENCY-DIRECTED GROUP OF AMENDMENTS			
Future Land Use Element	Policy FLU 1.7 and Exhibit FLU Series – Areas of High Archaeological Potential	Department of State (DOS) staff objected to the process in place to safeguard potential archaeological sites. Department of Community Affairs (DCA) staff ordered revision of policy in order for EAR-based amendments to be approved.	<ul style="list-style-type: none"> • Include more detailed information explaining why County was not surveying sites. • Advise applicants that might be affected that they will need expert surveys and can only contact the State if surveys identify findings associated with human remains; remove 'high' from policy and exhibit.
Future Land Use Element	Policy FLU 1.10	DCA staff objected to policies re: Econlockhatchee protection that refer to the Land Development Regulations instead of guiding thru the Plan itself. DCA staff ordered revision in order for EAR-based amendments to be approved.	<ul style="list-style-type: none"> • Excerpt portions of the Land Development Regulations that guide development in the Econ Protection Area and add them to this policy.
Future Land Use Element	Policy FLU 1.11	DOS staff objected to process to protect historic sites. Department of Community Affairs ordered revision.	<ul style="list-style-type: none"> • Eliminate reference to grant programs. • Define what is meant by 'historic'.
Future Land Use Element	Policy FLU 11.14	DCA staff objected to policies that emphasized Land Development Regulations instead of guiding through the plan itself.	<ul style="list-style-type: none"> • Revise language to state that County shall regulate development within the Econ River basin in accordance with Policy FLU 1.9 and 1.10, and will continue to follow the Econ River Protection Standards that implement Policy FLU 1.10 and are in the Land Development Regulations

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Transportation	Policy TRA 2.1.18	DCA objected to Policy	Original Policy deleted (new policy with this number created; see below)
AVOIDING INTERNAL PLAN CONFLICTS IN CASES OF OVERRIDING PUBLIC INTEREST GROUP OF AMENDMENTS			
Introduction Element	Definitions section	Development activities associated with the Yankee Lake treatment plant needed to be explained.	Addition of definitions for the terms "Development Activities, Wetland Areas" and "Mitigation, Wetlands".
Conservation, Drainage, Future Land Use, Introduction, Recreation and Open Space	Policy CON 2.5; Policy CON 7.9; Description of "Special Areas" (shown on page CON-32); Policy DRG 6.3; Policy FLU 12.5; Policy FLU 12.9; in the "Definitions of Future Land Use Designations and Overlays" section of the FLU, under the Land Use Designation of "Public, Quasi-Public "Special Provisions"; Policy REC 7.3 and addition of two new definitions to the 'Introductions' Element ("Development Activities, Wetlands Areas" and "Mitigation, Wetlands"	The Yankee Lake treatment plant will be located where environmentally sensitive lands are found, such as wetlands and lands identified as lying within the 100-year flood plain. In general, development activities are very limited in environmentally sensitive lands. Where an overriding public interest is involved, this amendment will allow very restricted development activities, such as the placement of necessary fill.	The following language, in full or in part, is recommended to be added to the sections of element to be amended: "Development activity, including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain as identified by FEMA, shall be prohibited, except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage."
RESPONSE TO SENATE BILL 360 TRANSPORTATION CONCURRENCY GROUP OF AMENDMENTS			
Implementation Element	Introduction (shown as Page IMP-1)	Allow Seminole County to benefit from the use of a multi-modal approach to mobility in the urban area, rather than relying solely on roadway concurrency.	Addition of phrase "Mobility Strategy" to list of available programs; revise paragraph about "Reader's Guide" to the Comprehensive Plan to show Guide is underway (text to be added to explain emphasis on alternative methods of mobility.)
Implementation Element	Actions (shown as Page IMP-2)	Allow Seminole County to benefit from the use of a variety of mobility options in the urban area, rather than relying solely on roadway concurrency.	Addition of phrase "Mobility Strategy" to list of available programs; addition of language complying with requirements of revisions to Section 163, Florida Statutes

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Implementation Element	Concurrency Management System (shown as starting on Page IMP-14)	Allow Seminole County to benefit from use of a variety of mobility options in the urban area, rather than relying solely on roadway concurrency.	<ul style="list-style-type: none"> • Modify existing language under 'Category I – Concurrency Facilities Operated by County' to show roadway concurrency will be applied in Seminole County's rural areas and specified urban neighborhoods; eliminate reference to mass transit. • Eliminate reference to 'Category II – Non-Concurrency Facilities Operated by the County' • Renumber the former Category III facilities as Category II; modify the section to include information about the State Strategic Intermodal System.
Implementation Element	Concurrency Management System (shown as starting on Page IMP-19)	New 2009 requirements for the 'dense urban area' Transportation Concurrency Exception Area require adoption of mobility strategy by 2011, or loss of designation may result.	<ul style="list-style-type: none"> • Identify process to be used to develop strategy • Identify types of locations where mobility strategy will apply. • Identify types of mobility alternatives
Implementation Element	Policy IMP 2.5	To explain how Road and Mass Transit standards within variable transportation method areas will differ from those in the rural area (where standard concurrency applies).	<ul style="list-style-type: none"> • Identify areas where single transportation method standards will be used, and how concurrency is achieved according to State law. • Identify areas where mobility strategies will be put into place and how

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			<p>compliance with those strategies will be achieved.</p> <ul style="list-style-type: none"> Indicate where the County strategy to correct significant roadway concurrency backlogs will continue to apply
Implementation Element	Policy IMP 3.1	This policy currently states that no development order or permit will be issued in unincorporated Seminole County if standards for levels of service of arterial and collector roads are not achieved and maintained.	<ul style="list-style-type: none"> Add language explaining that no development order or permit will be issued if standards for levels of service of arterial and collector roads in areas that are not a part of a Transportation Concurrency Exception Area are not met, and that other standards apply in TCEAs.
Introduction Element	Definitions	To respond to the revisions to Chapter 163, Florida Statutes that allow the 'nonrural' portion of Seminole County to be designated as a Transportation Concurrency Exception Area (TCEA).	Add definitions of "Dense Urban Land Area" and "Urban Service Area".
Transportation Element	TRA Issue # 2 (shown from pages TRA-7 through TRA-9) and TRA Issue # 3 (shown from pages TRA 9 – TRA-10)	Expand the text under "Creation of Mixed Use Centers" and "Appropriate Transportation Facilities" to include information about the TCEA areas; expand text under "Corridors" and "Centers" to include language in response to need to address TCEA designation.	Add language explaining that variable methods of travel will be emphasized as part of the strategy for providing mobility options in mixed use centers and along corridors, consistent with the themes of the Central Florida Regional Growth Vision ("How Shall We Grow?").
Transportation Element	Policy TRA 1.1.5.2, Policy TRA 1.1.10 GOAL TRA 2 OBJECTIVE TRA 2.1	Add language to incorporate mobility strategy in response to designation of a TCEA.	<ul style="list-style-type: none"> Modify Policy TRA 1.1.5.2 to state that County will use public workshops to identify long term strategies to

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	Policy TRA 2.1.1 POLICY TRA 2.1.2 New Policy TRA 2.1.18		support and fund variable methods of transportation. <ul style="list-style-type: none"> • Modify Policy TRA1.1.10 to indicate that alternate reasonable land uses and developments linked to mobility projects will be considered if a development order is subject to denial because of substandard LOS on a major road not within the TCEA area. • Modify GOAL TRA 2 to add language stating that the County, through public workshops and work with the cities, shall adopt and implement long term strategies to support and fund mobility in the TCEA area in order to maintain variable transportation options within corridors and centers. • Modify Objective TRA 2.1 to emphasize 'Strategies' as approach to transportation. • Modify Policy TRA 2.1.1 to indicate that the existing Level of Service for transit will be reevaluated as part of the strategy development. • Modify Policy TRA 2.1.2 to modify levels of service within TCEA areas.

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			<ul style="list-style-type: none"> • Create new Policy TRA 2.1.18 to specify that County, with cities and through public workshops, will develop long term strategy by 2011 to support and fund variable methods of transportation within the TCEA, and to identify potential components of the strategy, including major corridors and centers to be included, and potential for area specific levels of service for areas such as centers and corridors.
Transportation Element	Exhibits Section	Identify portion of Seminole County that has been designated as a Transportation Concurrency Exception Area (TCEA) by the State Legislature	<ul style="list-style-type: none"> • Add new Exhibit entitled: <i>“TRA Exhibit: Dense Urban Area/Transportation Concurrency Exception Area”</i> • Eliminate <i>“Exhibit TRA: Seminole County US 17-92 Transportation Concurrency Exception Area”</i> and <i>“Exhibit TRA: Transportation Concurrency Exception Areas”</i>
RESPONSE TO SENATE BILL 360 CLARIFYING SIMULTANEOUS LAND USE/ZONING GROUP OF AMENDMENTS			
Future Land Use Element	Definitions of Future Land Use Designations and Overlays” section of the FLU, under the Land Use Designations for all of the “High Intensity Planned Development (HIP)” Land Use Designations in the “Special Provisions” section	Amendment to subsection 163.3184(3), creating new subparagraph (e) that requires a local government that is considering a zoning change at the same time as a land use change to clarify that zoning does not take effect until state land	Revisions as follows: <u>Development within this Future Land Use Designation Requires Rezoning: Plan amendments to Higher Intensity Planned Development will require a future rezoning to enable a HIP development to proceed. If a must be</u>

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		<p>planning agency has issued a notification of intent, and that the land use amendment must follow state requirements.</p>	<p>accompanied by a rezoning request is submitted simultaneously with a plan amendment, the following conditions shall apply: (a) <u>the plan amendment shall be accompanied by data and analysis supporting the ability of the County and/or other service providers to meet service demands at the maximum density and/or intensity allowable by the future land use designation, regardless of the density or intensity of a proposed rezoning;</u> (b) <u>the proposed rezoning shall be processed as a separate case with a separate staff analysis;</u> (c) <u>an approval of a rezoning shall not become effective until 22 days after publication of an unchallenged Notification of Intent to Find the Future Land Use amendment in compliance (NOIC) by the State Land Planning Agency; and (d) a preliminary preliminary master plan/site plan is a required submission-with the rezoning application, which would then become-a condition of zoning approval; said preliminary plan shall provide sufficient detail to demonstrate compliance with the performance framework contained in this section of the Seminole County Comprehensive Plan (Plan) and the regulations implementing the policies of the Plan, as provided for in the Land Development Code.</u></p>

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CLARIFYING PLAN PROCESSES GROUP OF AMENDMENTS			
Future Land Use Element	Plan Amendment Standards of Review Section (pages 96-98)	Clarify process that County has to follow to amend plan, to make it clearer to the public; explain what applicant must submit	Explain standards and data that must be used to evaluate consistency of a proposed amendment with the Comprehensive Plan and requirements of State Law.
Implementation Element	Pages 1 - 6	Clarify process that County has to follow to amend plan, to make it clearer to the public; explain what applicant must submit	Details of steps that a plan amendment follows and details of material an applicant must provide.
Implementation Element	Policy IMP 1.2 and Policy IMP 1.3	The former "Category II" 'non-concurrency facilities' were part of elements that are no longer a part of the Comprehensive Plan, so this policy is not needed.	Eliminate Policy IMP 1.2, renumber Policy IMP 1.3 to 1.2, change reference to "Category III" in the title of newly renumbered Policy IMP 1.2 to "Category II"
OTHER IMPORTANT UPDATES			
Future Land Use Element	Policy FLU 11.8 and 11.9	Improve clarity of Comprehensive Plan	Indicate that the road formerly known as the Chuluota Bypass is now Snowhill Road.
Future Land Use Element	Definition of "High Density Residential"	Improve clarity of Comprehensive Plan	Remove point "D" under "Special Provisions".

STATE AGENCY-DIRECTED GROUP OF AMENDMENTS



Policy FLU 1.4 Conservation Easements

The County shall continue to require conservation easements in accordance with Section 704.06, Florida Statutes, or dedication of post-development flood prone and wetland areas as a limitation to any future encroachment or development of these environmentally sensitive areas.

Policy FLU 1.5 Natural/Environmental Lands Acquisition and Management Program

The County shall continue to manage the more than 6,500 acres of Natural Lands acquired through the 1990 Natural Lands Bond Referendum and November 2000 Natural Lands – Completing the Connection Bond Referendum for the acquisition of significant natural habitats, open space areas and greenways. These environmental assets, which include seven Wilderness Areas and One Preserve, are open to the public for environmental education and passive recreation. The lands were designated as “Preservation/Managed Lands” on the Future Land Use Plan Map in 2008 in response to the 2006 Evaluation and Appraisal (EAR) Major Issue finding of a need to ensure that the County Comprehensive Plan is more accessible and understandable. The Seminole County Natural Lands Program is consistent with and supports the implementation of the ongoing ‘Green Print’ process undertaken by the Congress of Regional Leaders, as a part of the Central Florida Regional Growth Vision.

Policy FLU 1.6 Green Print Coordination

The County shall continue to coordinate with the State of Florida, the St. John’s River Water Management District (District), the Nature Conservancy, the Trust for Public Lands, the Congress of Regional Leaders of myregion.org, and all other agencies involved in preservation of environmental assets to create a Countywide linked open space and Greenways/Trails/Blueways system that assists in permanent preservation of County and regional environmental assets. As a part of this effort, the County shall continue to support efforts by the State Legislature to maintain funding for the Florida Forever grant program that assists with local efforts to acquire environmentally significant features, and any successor program.

Policy FLU 1.7 Performance Standards for Management of ~~Archaeological—Resources~~Archaeological Resources located on proposed development sites.

Many sites with a potential of archaeological finds are also located on or near wetlands and/or floodprone areas, or within the protection areas established for the Wekiva and Econlockhatchee River basins. As a result, restrictions (such as setbacks from sensitive areas) governing the development of many sites with potential of archaeological finds are already in place.

Based on *FLU Exhibit– Areas of High Archaeological Potential*, which was created with a Phase I survey and was created with the predictive model of probability areas found in the volume entitled “Cultural Resources Study of Seminole County, Florida: Archaeology Volume I”, dated June 1994,, the County’s Land Development Code (LDC) shall be revised by January 2010 to require the following:

- that a Applicants with properties that may be located within the area marked as high archaeological potential and that are not also affected by regulations governing wetland areas, floodprone areas or the protection areas of the Wekiva and Econlockhatchee rivers shall be notified that they must provide surveys conducted by certified archaeological consultants or other qualified surveyors that either verify the presence of archaeological resources or verify that such resources are not present.



- In areas where archaeological resources including human remains are identified through such surveys, applicants shall consult with State authorities.
- If no human remains are found, or if the archaeologist or qualified surveyor concludes that no removal of resources is necessary, the LDC shall require that the area containing archaeological resources shall be managed as an open space asset included and protected within site plans or subdivisions.
- Because many of the areas of archaeological potential are co-located with wetlands, floodprone lands, or within the Wekiva River and Econlockhatchee Rivers Protection Areas, conditions of approval for development where potential archaeological resources may be located, and where an applicant does not provide a detailed survey, shall include provisions that require protection of wet and floodprone areas in compliance with those regulations, and require development activities to cease and consultation with State authorities to take place if human remains are found on site, or County authorities if cultural resources are found on site.

Policy FLU 1.8 Performance Standards for State Designated Environmental Protection Areas

The County will continue to enact and enforce performance standards intended to preserve and enhance the natural features of the Wekiva River Protection Area, the Wekiva River Study Area, and the Econ Protection Area, as required by State Law, the Seminole County Comprehensive Plan, Land Development Code and agreements with affected parties.

Policy FLU 1.9 Wekiva and Econlockhatchee River Protection

A The County shall continue to regulate development of land along the Wekiva River and the Econlockhatchee River, and their associated wetlands and tributaries, which are regionally significant natural areas in need of preservation, per the Central Florida Regional Growth Vision, to implement Protection Zone policies and regulations regarding maintaining rural density and character in the aggregate, development setbacks, concentrating permitted development farthest from surface waters and wetlands where permitted, minimizing development impacts on water quantity and quality, and restricting open space areas to passive recreational uses.

Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area as defined in Section 369.303(9), Florida Statutes, no development may be approved upon parcels so located unless the proposed development conforms to the provisions of the Wekiva River Protection Act (Part II, Chapter 369, Florida Statutes), and the provisions of this Plan adopted to conform to said Act. See Future Land Use Objective 12 and 13 for additional policies regarding the goals of the Wekiva River Protection Area.

Notwithstanding any other provision of this Plan, middle schools and high schools shall not be permitted on property located within the Wekiva River Protection Area except for 8.7 acres owned by the Seminole County School Board prior to October 26, 1999, which is located in the East Lake Sylvan Transitional Area, which is depicted in Exhibit FLU: East Lake Sylvan Transitional Area/School Site.

(Added: Amendment 02F.TXT03; Ordinance 2002-55, 12/10/2002)

B The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River, and Econlockhatchee River and such other water bodies as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high



water elevation or the landward limit of established conservation areas, to serve as a scenic and environmental buffer to maintain the status quo of the natural environment and prevent public harms.

C. As additional protection to groundwater and surface water, development activity within the Wekiva Protection Area, including the placing or depositing of fill within wetlands and the one hundred year floodplain as identified by FEMA, shall be prohibited, except in cases of overriding public interest.

Policy FLU 1.10

Econlockhatchee River Basin Protection

The County shall, ~~at a minimum,~~ continue to regulate development consistent with the Econlockhatchee River Basin Study of 1990, which serves as the basis for Policy FLU 1.10 and the Seminole County Econlockhatchee River Protection Overlay within the County Land Development Code. The Performance Standards Classification contained in Policy FLU 1.10 are intended to ensure the preservation of the Econlockhatchee River as a recognized outstanding natural resource and regionally significant natural area. Minimum ordinance provisions necessary to ensure protection of the Econlockhatchee River Basin shall include:

A The recognition of the "Econlockhatchee River Corridor Protection Zone" (Zone), which includes: the main channels of the Big Econlockhatchee River and its tributaries contained within the area shown as the "Econ Protection Area" as depicted on Exhibit FLU: Resource Protection Areas and depicted on "Exhibit A" within the Seminole County Econlockhatchee River Protection Overlay of the County Land Development Code; all property located within the first 1,100 feet landward as measured from the stream's edge of the main channels of the Big Econlockhatchee River and Little Econlockhatchee River within the afore mentioned "Econ Protection Area"; all property located within 550 feet landward as measured from the stream's edge of the tributaries of the Big Econlockhatchee River within the afore mentioned "Econ Protection Area" 50 feet of uplands property that is landward of the landward edge of the wetlands abutting the main channels of the Big Econlockhatchee River and its tributaries within the afore mentioned "Econ Protection Area".

B 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 River or tributary, "stream's edge" means either the mean annual surface water elevation of the stream, or, in the absence of hydrologic data, the landward extent of wetland herbaceous vegetation growing in the River or its tributary.

A-C Development activities shall not be permitted within the 550-foot development restriction zone of stream's edge within the Zone except for the creation of wetlands and passive recreational uses, when an applicant can demonstrate that such passive recreational uses shall 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, hydrology or quantity; groundwater tables or surface water levels;

D Forested habitat fragmentation within the Zone shall be limited, and there shall be no additional crossing by road, rail or utility corridors of lands located within the Zone unless the following three conditions are all met:

- a. There is no feasible and prudent alternative to the proposed crossing as determined by the County;
- b. All possible measures to minimize harm to the resources of the Econlockhatchee River Basin will be implemented; and

c. The crossing supports and activity that is clearly in the public interest as determined by the County.

BE Only residential development will be permitted within the Zone except for the wetland creation or passive recreation referenced in point "C" above.

F. Development within the Econlockhatchee River Basin as a whole shall ensure the protection of floodplain, wetlands and critical native upland habitat; encroachment (fill) proposed to be placed or deposited within the 100 year floodplain as identified by the Federal Emergency Management Administration must comply with all applicable Federal and County regulations;

GE All proposed development within 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 a qualified archaeological consultant describing the potential for archaeological resources to occur on the project site. If, in the opinion of the consultant, such resources are likely to occur, a professional archaeological survey shall be submitted as a part of the development application provided to the County. If significant resources are found to be present, the County shall consult with the appropriate State authorities for guidance as to whether excavation is desired by such authorities, and shall otherwise direct that resources shall be preserved as a part of the open space preserved on the historic and archaeological resource assessments; and

HD The Land Development Code shall ensure minimal removal of native habitats and preservation of rare upland habitats; and-

I The Land Development Code shall provide for an appeals process and projects which are exempt from these performance standards by reason of prior approvals or other legal bases.

Policy FLU 1.11

Protection of Historic and Archaeological Resources and the National Park Services

~~The County shall continue to apply for matching archaeological site survey grants from the Florida Department of State, Division of Historical Resources Grants-in-Aid program and the US Park Service.~~

~~A Protection of Historical Resources~~

~~Significant historical and archaeological sites, including, but not limited to, sites on the Florida Master Site File, shall be protected by implementing the following:~~

~~1 After the identification and evaluation of the County's historic resources following the grant surveys, the County shall determine which structures or archaeological sites are deemed significant as judged in part by the criteria listed in this policy and adopt by resolution a local historic register and map of designated sites.~~

~~2 As part of all site plan evaluations, County staff shall identify whether or not the proposed construction activity and/or final development would disturb a site listed on the Florida Master Site File. If so, the developer shall be notified and shall in turn notify the Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section and shall enter a binding agreement in which the developer agrees to comply with the recommended course of action or mitigation requested by the Division prior to a development order being issued. Additionally, all developers shall affirm that they have notified the construction manager of the potential for artifact discoveries within Seminole County. In the event of the discovery of artifacts of potential historical or archaeological significance during construction, the construction manager shall immediately suspend all disruptive activity within a twenty foot (20') radius of the site of discovery and report the suspected finding(s) to the~~



~~Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section and the developer. The developer shall comply with the recommended course of action or mitigation requested by the Division, and shall notify in writing the Building Official of the County Building Division of the action or mitigation requested. From the date of notification, construction shall be suspended for a period of up to one hundred twenty (120) days to allow evaluation of the site and mitigation, if necessary.~~

~~3-A~~ The County shall continue to enforce Land Development Code regulations to ensure that future land development and public improvement activities limit and mitigate disruption to or damage of sites determined to be significant historical resources, ~~both structural and archaeological~~. Land Development Code provisions shall be based on the guidelines and criteria listed in this ~~policy and, at a minimum, consider criteria and procedures for protecting, reporting and evaluating the on-site discovery of artifacts~~. Mitigation, incentives, disincentives and long term protection guidelines for historically significant sites shall also be addressed. Applicants proposing to renovate or demolish existing structures shall be guided by these criteria.

B Guidelines and Criteria for Preservation and Protection of Historic Resources

The criteria for evaluating historic resources as significant shall include, but not be limited to, the following adapted ~~from~~ for the "Criteria For Listing" of the National Register ~~of~~ Of Historical Places:

- 1 ~~That the resource is listed on the National Register of Historic Places and/or the Florida Master Site File; or~~
- 2 ~~That the resource be associated with events that have made a significant contribution to the broad patterns of history; or~~
- 3 ~~That the resource be associated with the lives of persons significant in the past; or~~
- 4 ~~That the resource embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (e.g., historic district); or~~
- 5 ~~That the resource has yielded, or may be likely to yield, information important in prehistory or history.~~

C Guidelines for evaluation and assessment of historical resources shall be based on but not limited to the Secretary of the Department of Interior's Guidelines for Architectural and Engineering Documentation and the Historic Preservation Compliance Review Program of the Florida Department of State, Division of Historical Resources, in particular Chapter 4, Standards for Conducting, Reporting, and Reviewing Archaeological and Historic Site Assessment Survey Activities.

Policy FLU 1.12 Water Quality and Drainage Control

The County shall continue to require water quality and drainage control for all new subdivisions and site plans adjacent to water bodies to prevent unnecessary shoreline disruption and maintain water quality through existing Land Development Code provisions which requires, at a minimum:

- A Permit for all water quality and drainage control activities in waters and wetlands; and



- 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 clearly and convincingly demonstrated by the proponents of the system expansion 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 concurrent with an areawide administrative land use update.

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 flood prone 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.
- B Periodically re-evaluate the effectiveness of the County Arbor Ordinance, referenced by Policy FLU 1.18.
- C Protect groundwater systems in the Rural Area as depicted in *Exhibit FLU: Special Area Boundaries*, including, but not limited to, the "Geneva 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 adjacent to~~ the River basin in accordance with Policy FLU 1.9 and Policy FLU 1.10~~the Environmentally Sensitive Lands Overlay (see Policy FLU 1.3);~~
 - 2 ~~Continuing to regulate~~Regulating development adjacent to the Econlockhatchee River in accordance with the Econlockhatchee River Protection Overlay Standards Classification, which implements Policy FLU 1.10;
 - 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); 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.

B Black Hammock Plat

The County shall provide that lots originally recorded or platted as five (5) acres and/or 10 acres in size in the old Black Hammock Plat that have been reduced in size by the amount of land dedicated to public road rights-of-way, shall be considered as five (5) acre and/or 10 acre lots for purposes of land use consistency and dwelling unit yield determination. For example, a lot that was originally platted as a 10 acre lot that now contains only 9.17 acres because, and solely because, land from the original lot was dedicated to a public road right-of-way, will be considered a 10-acre lot; five (5) acre lot, and multiples of five (5) acre lots, similarly reduced, will be treated likewise.

C Existing Conditions

It is the intent of the County to guide the future development and use of the Rural Area as depicted in *Exhibit FLU: Special Area Boundaries*. For the purposes of the lands within the Rural Area (including Suburban Estates, Rural-3, Rural-5 and Rural-10 land use designations) structures existing as of the adoption date of the

1991 Comprehensive Plan shall be permitted to be rebuilt in the event of a natural disaster or act of God or be otherwise improved as long as the gross density of residential property or intensity of nonresidential property is not increased and/or the



land use mixtures, performance frameworks, funding and Land Development Code amendments necessary to support the mobility strategy.

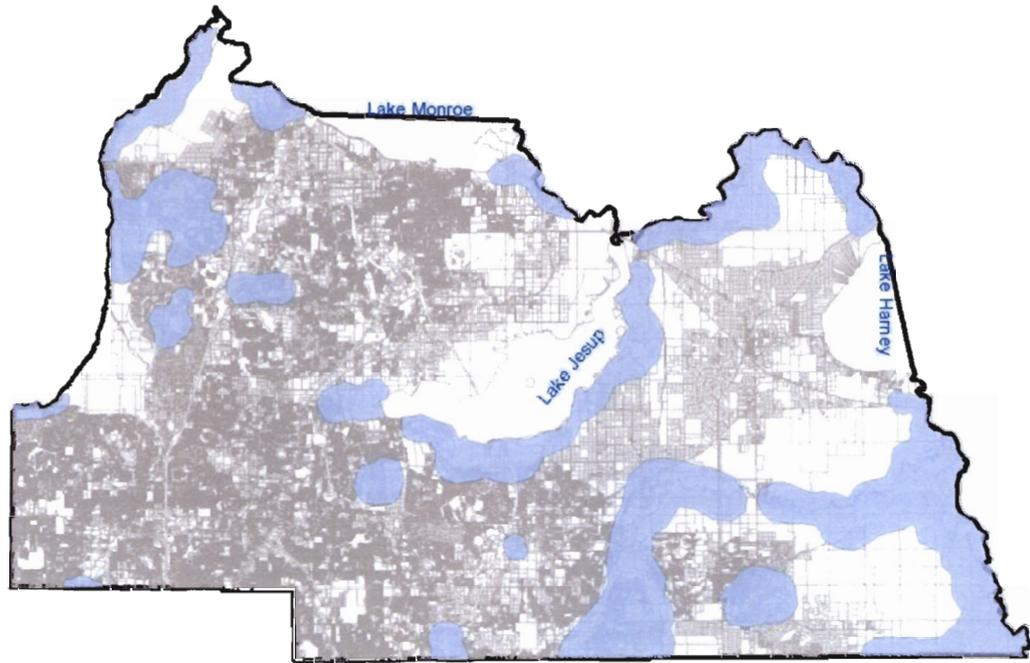
~~Policy TRA 2.1.18 — Transportation Concurrency Exceptions for Specified Infill Developments Meeting Standards within the Land Development Code~~

~~The Seminole County Board of Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The unintended consequence of the transportation concurrency requirement in such instances is the redirection of infill growth or redevelopment from the urban area to Rural Areas or areas with environmentally sensitive lands, thereby discouraging urban infill development, urban revitalization and urban redevelopment. Consequently, this policy provides for exceptions from the transportation concurrency requirements of the Comprehensive Plan and Land Development Code (LDC), in compliance with the requirements specified by the LDC. The proposed project must be, at a minimum:~~

- ~~1. Consistent with the Seminole County Comprehensive Plan;~~
- ~~2. Compatible with surrounding land uses; and~~
- ~~3.1. Related to and supportive of the provision of public transit, including commuter rail.~~



FLU Series – Areas of High Archaeological Potential



5 Miles

LEGEND



-  Areas of High Archaeological Site Potential Parcel

(FLU - Effective date of information: 02/2008)



**AVOIDING INTERNAL CONFLICT IN PLAN IN CASES OF OVERRIDING PUBLIC INTEREST
GROUP OF AMENDMENTS**

OBJECTIVE CON 2 SURFACE WATER PROTECTION

The County shall continually evaluate its ongoing surface water quality program to protect and, where necessary and feasible, enhance the quality of surface waters.

Policy CON 2.1 Water Quality Assessment

The County shall, through its ongoing water quality monitoring program, identify areas of need for more intense sampling and shall partner with the appropriate agencies to accomplish these investigations. The County shall, with each Evaluation and Appraisal Report, evaluate the need for more intense sampling to address the continuous nature of surface water quality programs and processes .

Policy CON 2.2 Water Quality Improvement

The County shall continue to implement, as part of the Federal and State mandated Total Maximum Daily Load policies, a program to identify and improve surface water quality associated with stormwater runoff within receiving waters, which are below established standards.

Policy CON 2.3 Best Management Practices

The County shall evaluate every five (5) years, after coordination with the Agricultural Extension Agency, Natural Resources Conservation Service and other appropriate agencies, its Water Conservation and Sensitive Lands Plan and Best Management Practices (BMPs) to minimize agricultural, horticultural and silvicultural impacts to both surface water quantity and quality, wetland and floodplain areas. This evaluation shall include a review and incorporation of any applicable new BMP's established by the Division of Forestry, Florida Department of Environmental Protection, St Johns River Water Management District, Department of Agriculture and Consumer Services, and other agencies.

In addition to this Plan, all activities permitted within designated wetland and flood prone areas, including agriculture and silviculture shall, at a minimum, comply with the County's existing Wetland, Flood Prone and Arbor Ordinances to ensure the protection and function of these resource areas.

Policy CON 2.4 Water Body Building Setback

The County shall continue to require that building setbacks for new development be placed at least 50 feet from the ordinary high water mark of water bodies.

Policy CON 2.5 Wekiva River

A. The County shall continue to manage and regulate development along the Wekiva River to ensure its continued designation as an Outstanding Florida Water Body and Wild and Scenic River, and shall continue to ensure that all development maintains consistency with the Wekiva River Protection Act and Wekiva Parkway and Protection Act. (See Future Land Use Element for other policies relating to the Wekiva River).

B. The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas, to serve as a scenic and



environmental buffer to maintain the status quo of the natural environment and prevent public harms.

B-C. As additional protection, development activity (including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain identified by FEMA), within the Wekiva River Protection Area shall be prohibited except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.

Policy CON 2.6 Water Quality Design Techniques

The County shall continue to evaluate and, if appropriate, enact, alternative development (design, construction and maintenance) standards which enhance water quality. This evaluation shall include, at a minimum, a review of the following:

- A Non-structural storm water management system designs;
- B Littoral zone vegetation requirements;
- C Vegetation removal and management standards;
- D System designs that conserve uplands and populations of listed species; and
- E Low Impact Development practices.

Policy CON 2.7 Intergovernmental Coordination

The County shall continue to coordinate and pursue joint programs with and seek funding, where available, from with the St. Johns River Water Management District, the Florida Department of Environmental Protection, and other agencies for surface water management studies and improvements programs. Specific programs that require further coordination include, but are not limited to, Surface Water Improvement Program, joint projects toward the restoration of Lake Jesup, Total Maximum Daily Load program, and the protection of the Econlockhatchee and Wekiva River Basins.

Policy CON 2.8 Educational Brochures

The County shall develop and distribute to homeowners associations, civic groups, schools and other organizations, educational brochures addressing surface water and lake improvement practices and related matters such as Florida-friendly Landscaping for properties within the Wekiva Study Area and all other impaired watersheds identified by the Florida Department of Environmental Protection’s Total Maximum Daily Load program.

(Revised: Amendment 05F.TXT01.01, Ordinance 2005-54, 12/20/2005)

Policy CON 2.9 Environmental Education Program

The County shall continue to support and expand existing environmental programs (Natural Lands Education, Watershed Action Volunteers, Lakewatch, Florida Yards and Neighborhoods, and Parks Education) and pursue alternatives to expand the public’s knowledge of environmental programs through education, the media and other available avenues of communication. The County shall continue to provide public access to environmental data by expanding the Countywide Watershed Atlas and the Natural Lands Program Web Sites.

Policy CON 2.10 Total Maximum Daily Load

The County shall work cooperatively with the Florida Department of Environmental Protection (FDEP) to develop a proactive approach to the Total Maximum Daily Load



- A The County shall accept mitigation required by the St. Johns River Water Management District (District) for impacts that occur within the urban area as defined by Objective 7.
- B For impacts to wetlands in the urban area, the County shall accept ratios that encourage mitigation projects to be conducted within the Wekiva River Protection Area, the East Rural Area, and the basins designated by the District as Special or Nested. As an incentive to mitigate in these areas, Seminole County may accept ratios within the lower range of those accepted by the District.
- C For impacts to wetlands in the Rural Area, the County shall create criteria that will rely upon mitigation that will be to the maximum extent possible to act as disincentive for impacting the high quality areas contained within the Rural Area. These ratios may be within the upper range of the ratios accepted by the District .
- ED As additional protection, development activity (including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain identified by FEMA), within the Wekiva River Protection Area shall be prohibited except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.
- DE Mitigation projects must take into consideration the type, quality, location, and size of the wetlands being impacted.
- EF Seminole County shall pursue agreements with the District that allow the brokerage of mitigation projects for impacts to Nested and Special Basins as fee simple dedications to the Seminole County Natural Lands Program.
- FG Creation, Enhancement, and Restoration projects proposed as mitigation shall be evaluated based on the type, quality, size, and location of the wetlands being impacted, and shall not be encouraged in lieu of Preservation and Upland Conservation and the establishment of a County-run comprehensive wetland mitigation program funded in part through the payment of fees in lieu of performing mitigation activities.

Policy CON 7.10 Wetland Regulation-Intergovernmental Coordination

Seminole County shall coordinate efforts with the District and the U.S. Army Corps of Engineers (Corps) to maximize the benefits of mitigation in the Wekiva, Jesup, and Econlockhatchee River Basins, and in the Rural Areas of the County.

Policy CON 7.11 Management of Publicly Owned Wetlands

Seminole County shall continue to coordinate with local, State, and Federal entities that own land in the County to implement projects for the management of wetlands and other natural resources.



by intense development by the municipalities, although the predominant land use assigned by Seminole County is Low Density Residential, and Planned Development (see "Unique Planning Techniques.").

SPECIAL AREAS

As stated previously, there are three (3) special areas in the County that make up roughly 75 percent of the County's landform (unincorporated area): "The Wekiva River Protection Area", The Econlockhatchee River Basin, and the "East Rural Area," which includes much of the Econlockhatchee River Basin. Issue FLU 11 describes the protection of the Wekiva and Econlockhatchee areas. The "Wekiva River Protection Area" and "East Rural Area" represent two (2) separate and distinct areas within Seminole County where the Comprehensive Plan sets forth specific policy guidance for the long term maintenance of rural character.

In 1988, the Florida Legislature enacted the "Wekiva River Protection Act" for the purpose of protecting the natural resources and rural character of the "Wekiva River Protection Area" as defined in the Act. To comply with the Act, the County amended its Comprehensive Plan creating a set of Plan policies to ensure the maintenance of the rural density and character in the aggregate, protect natural resources, and ensure the long term viability of the Wekiva River Protection Area (WRPA) (see Objective FLU 14 and the *Exhibit FLU: Future Land Use* of this Plan). In 1999, with assistance from the Florida Department of Community Affairs, various environmental groups and citizens, 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. The Comprehensive Plan also establishes that wetlands within the WRPA shall be protected and a 50-foot upland buffer shall be required around all wetlands. As additional protection, development activity (including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain identified by FEMA), within the Wekiva River Protection Area shall be prohibited except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.

The Wekiva and Econlockhatchee River Basins were also designated as Nested Basins by the St. Johns River Water Management District in 2000, meaning that most of the mitigation projects for wetlands in these areas are required to remain within the basin. This is in addition to the requirement for compliance with 550-foot Riparian Habitat Protection Zones for both basins. The Lake Jesup Basin was designated by House Bill 2365 as a Special Basin unto itself during the 2000 session, which created additional requirements that exceed those with nested status.

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 and the *Exhibit FLU: Future Land Use* 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 East Rural Area. These land use designations and zoning classifications, together with Plan policies and Rural subdivision standards, were established to preserve and reinforce the positive qualities of the rural lifestyle 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 East Rural Area. The East Rural Area of Seminole County is distinguished from the County's predominantly urban area by the Urban/Rural Boundary (see the *Exhibit FLU: Future Land Use* of this Plan).

Policy FLU 11.1 states, "The County shall continue to enforce Land Development Code provisions and land use strategies 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 Land Development Code enforcement consistent with the rural character of such areas." Policy FLU 11.4 sets guidelines for cluster development in the Rural Area, and includes as an objective the protection of natural resources.



OBJECTIVE DRG 6 INTERGOVERNMENTAL COORDINATION

The County shall work with all parties to maximize funding, education, deficiency correction of existing stormwater management facilities, construction of new stormwater management facilities and surface water protection in Seminole County.

Policy DRG 6.1 Intergovernmental Coordination

The County shall continue to work collaboratively with the Stormwater Working Group, the Florida Department of Environmental Protection, the U.S. Environmental Protection Agency, the Federal Emergency Management Agency, and other agencies to maximize its goals relating to funding drainage improvements, water quality improvements, and environmental protection projects.

Policy DRG 6.2 The Seminole County Watershed Atlas

The County shall continue to coordinate with the Municipalities, other Local Governments, State, and Federal agencies to allow the Seminole County Watershed Atlas to reflect the most current and up-to-date information on new changes in regulations, water quality, hydrology, other environmental parameters, or other types of data as decided by the Seminole County Roads-Stormwater Division.

Policy DRG 6.3 Wekiva Study Area Stormwater Management

The County shall address the master stormwater management plan provision of the Wekiva Parkway and Protection Act, Section 369.319, Florida Statutes, to assist in alleviating problems related to surface water conveyance and quality, and in improving the quality and quantity of groundwater discharging into the springs within the Wekiva Study Area, by application of, but not limited to, the following strategies:

- A Implementation of the projects, programs, and activities recommendations, applicable to Seminole County, contained in the “Wekiva Parkway and Protection Act, Master Stormwater Management Plan Support, Final Report”, November 2005 (the “CDM Plan”); and
- B Implementation of Best Management Practices (BMPs), including, but not limited to, applicable BMPs recommended in “Protecting Florida’s Springs – Land Use Planning Strategies and Best Management Practices”, Florida Department of Community Affairs and Florida Department of Environmental Protection, 2002, and from the Model Goals, Objectives, and Policies, Wekiva Study Area, published by the Department of Community Affairs (April 2006).
- BC As additional protection to groundwater and surface water, development activity (including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain identified by FEMA), within the Wekiva River Protection Area shall be prohibited except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.

(Added: Amendment 06EX.TXT02.03, Ordinance 2006-41, 06/13/2006)



included that portion lying north of the drainage canal that drains the Seminole Estates development and runs east to west, and parcels that were purchased for mitigation and are connected to the Yankee Lake Property. These parcels provide a significant corridor connection between the County's Riverside Ranch Wilderness Area and the Lower Wekiva State Preserve; provide a significant corridor for Florida Black Bear movement and preserve valuable wetland functions. In addition, if at any time thereafter, it is determined by the County that a portion of the Yankee Lake property is not required as a public utility, then that portion shall be reassigned the Recreation land use designation and also incorporated into the County's Greenways, Trails and Natural Lands Program. It is the intent of this policy to ensure that public lands valuable to the protection of natural resources within the Wekiva River Protection Area be retained for preservation in perpetuity, consistent with the Central Florida Regional Growth Vision ("How Shall We Grow?").

Notwithstanding a designation to the "Recreation" Future Land Use designation, development activity, including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain (as identified by FEMA), may be allowed in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.

Policy FLU 12.6

Roadway Corridor Overlays for Markham Road, Longwood-Markham Road and Lake Markham Road

The County shall continue to enforce land development regulations enacted in June of 2001, establishing Markham Road, Longwood-Markham Road and Lake Markham Road as scenic corridor roadways to protect the existing visual features, maintain visual quality, provide a sense of place, protect the rural character of the Wekiva River Protection Area, and protect natural resources including the viability of wildlife corridors. Consistent with said goals, these scenic corridor roadways shall not be expanded beyond their current two-lane configuration; provided, however, that turn lanes and other roadway safety design features may be constructed. The minimum standards for such roadways, which shall be implemented by land development regulations, shall establish on these roadways a building setback forty feet (40') in depth from the right-of-way edge wherein:

- A Roads shall be maintained with a maximum of two (2) through lanes;
- B No existing canopy trees shall be removed unless the removal is necessary to provide access, the tree is diseased or removal is required to address public safety emergencies;
- C No clearing of native vegetation shall be permitted except in conjunction with a permit issued to address public safety emergencies;
- D Residential development shall preserve and/or create a vegetative buffer forty feet (40') in depth through a combination of canopy trees, understory native vegetation and berms or fences/walls;
- E If utilized, fences shall be of natural materials including, but not limited to, wood, stone, or brick and shall be required to incorporate canopy trees and native vegetation; provided, however, that alternative fencing shall be permissible if it materially contributes to the rural ambiance of the roadway or if necessary for the protection of wildlife; and
- F As an alternative to the above standards, residential development may provide for perimeter lots of one (1) acre in size or greater in lieu of, or in combination with, vegetation to ensure consistency and compatibility with adjacent developments and maintenance of rural character.



Transitional Area, and which is assigned the Suburban Estates future land use designation, except for the reassignment of land to the Recreation future land use designation, as set forth in Policies FLU 12.1, 12.3, and 12.5.

- 4 Limiting development of property assigned the Suburban Estates land use designation to a maximum density of one (1) dwelling unit per net buildable acre, and encouraging clustering within the Suburban Estates land use designation where appropriate through the use of PUD zoning to protect natural resources, as set forth in Policies FLU 12.1, 12.3, 12.5, and 12.9 and in the definition of "rural character".
- 5 Prohibiting further commercial development on properties not assigned the Commercial land use designation on the *Exhibit FLU: Future Land Use Map* adopted as of December 15, 1999, as set forth in the definition of "rural character" and Policy FLU 12-.8.
- 6 Pursuing the acquisition of property within the Wekiva River Protection Area and the reassignment of land to the Recreation land use designation for the purpose of protecting natural resources, as set forth in Policies FLU 12.1 and 12.5.
- 7 Retaining the definitions of the terms "net density" and "net buildable acreage" within the Wekiva River Protection Area as established by the Seminole County Comprehensive Plan as of December 15, 1999.

Policy FLU 12.9 Wekiva River Protection Area Environmental Design Standards.

- A In order to further the protection of natural resources as required by the Wekiva River Protection Act, the County shall continue to implement land development regulations enacted as necessary to implement the following policies that shall apply to properties located within the Wekiva River Protection Area and outside of the East Lake Sylvan Transitional Area:
 - 1 Development design shall demonstrate that at least fifty percent (50 %) of the trees located within the developable areas of a site, including areas subject to residential platting, are preserved on site. It is the intent of this policy to guide the design and location of development to provide protection of on site habitat, wildlife and wildlife corridors. When fifty percent (50 %) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper. Replacement trees are required to be native species and planted on site in common areas and as street trees. Construction methods that reduce the necessity for removing trees shall be encouraged.
 - 2 An upland buffer averaging fifty feet (50') but no less than twenty-five feet (25') in width shall be maintained surrounding areas identified as containing flood plain and/or wetlands or properties which have been designated as preserve areas or conservation easements. Development activity, including the placing or depositing of fill, within wetlands and the one hundred (100) year floodplain (as adopted by FEMA) shall be prohibited, except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.
 - 3 Preservation of property within the Wekiva River Protection Area consisting of wetlands, rare upland habitat, greenways, listed species and their habitat, and wildlife corridors shall be encouraged through the clustering of dwelling units



- G Paint and body shops;
- H Trade shops and schools;
- I Medical clinics;
- J Publishing plants;
- K Public buildings;
- L Stockyards;
- M Public elementary schools, public middle schools and public high schools;
- N Special exceptions such as utilities, service stations, hospitals, nursing homes, heliports, and airports; and
- O Adult entertainment establishments and sexually oriented businesses.

Services and Facilities:

This land use requires a full range of urban services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).

Special Provisions:

Industrial uses in proximity to residential areas should be light industrial uses to protect residences from smoke, fumes, vibrations, odors, and noise.

Public, Quasi-Public

Purpose and Intent:

The purpose and intent of this land use is to identify locations for a variety of public and quasi-public uses, transportation, communication, and utilities. Public and quasi-public uses are designated on the *Exhibit FLU: Future Land Use Map* in areas where public and quasi-public uses are established and in areas reserved for future public use. The maximum intensity permitted in this designation is .65 Floor Area Ratio.

Uses:

- A Public and private recreation, education and library facilities;
- B Public elementary schools, public middle schools and public high schools;
- C Public and private cemeteries and mausoleums;
- D Public safety facilities; and
- E Water, sewer, telephone, electric, gas, communication, and transportation facilities.

Services and Facilities:

Due to the variety of land uses in this designation, service and facility needs are determined through Land Development Code requirements.

Special Provisions:

As many of these uses are appropriately located in proximity to residential areas, these uses are permitted through a special exception to the existing zoning classification.

Development activity, including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain as identified by FEMA, shall be prohibited on lands designated as Public, Quasi-Public, except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.



of the countryside. Unlike Urban Centers, the Countryside is characterized by open lands that are not landscaped. The cross sections of transportation corridors that serve the Countryside do not contain urban features such as streetlights, sidewalks, curb and gutter drainage systems. Residential structures (other than farmhouses) are not visible from the roadways.

COUNTY ROAD SYSTEM

All collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any incorporated areas; all local roads in the unincorporated areas and all urban minor arterial roads not in the State Highway System.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

A multi-disciplinary approach to deterring criminal behavior through the use of strategies that rely on the ability to influence a potential offender's decisions that precede criminal acts. These design strategies emphasize the use of 'defensible space' design features, such as natural surveillance and natural access control, that enhance the perceived risk of detection, thus deterring criminal action.

DENSE URBAN LAND AREA

A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area. The Office of Economic and Demographic Research (Office) within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and latest available population estimates determined pursuant to section 186.901, Florida Statutes. If any local government has had an annexation, contraction or new incorporation, the Office shall determine the population density using the new jurisdictional boundaries as recorded in accordance with section 171.091, Florida Statutes.

DEVELOPMENT

The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. This term does not include the use of land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, or the raising of livestock; or for other agricultural purposes. [Sources: Section 380.04(1) and 380.04(3)(f), Florida Statutes (Florida Statutes.)]

DEVELOPMENT ACTIVITIES, WETLAND AREAS

Activities classified as development activities that may create impacts in wetland areas include: construction of boardwalks, docks and gazebos; bulkheading; clearing of vegetation; construction of permitted structures; cultivating naturally occurring agricultural and horticultural products; discharge of domestic, agricultural or industrial wastes pursuant to approved permit or the discharge of stormwater from adjacent land; drainage ditches; dredging (other than mosquito control or 'drainage ditches'); filling; harvesting of timber and wood products; storage, use or disposal of any hazardous material; landscaping and establishing planting; restoration, expansion or modification of existing structures and improved areas; installation of septic tanks; solid waste disposal; stormwater retention/detention basin; utility installation.

DEVELOPMENT ORDER

An order granting, denying or granting with conditions an application for a development permit. (Source: Section 163.3164(7). F.S.)



These are defined as drainage structures that which have an equivalent opening equal to or larger than a single 48 inch diameter circular conduit.

MANUFACTURED HOUSING

The term "manufactured housing" shall be defined consistent with the provisions of Section 320.01(2)(b), Florida Statutes, which state that this term applies to a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act. See "Mobile Home" definition below.

MATERIALS RECOVERY FACILITY (MRF)

A facility that receives, processes and markets mixed recyclable materials that are source separated from municipal water streams.

METROPOLITAN STATISTICAL AREA (MSA)

An 'MSA' is a Census Bureau-defined area of at least 50,000 inhabitants, with a total metropolitan population of at least 100,000. Additional contiguous counties are included in the MSA if they meet certain characteristics, such as population density and percentage of urban population. Seminole County is included within the Orlando-Kissimmee Metropolitan Statistical Area, which encompasses Orange, Osceola, Seminole and Lake counties and had a 2005 Census-estimated population of 1,933,255.

MINOR PRIMARY STRUCTURES (DRAINAGE)

Drainage structures which have equivalent clear openings equal to or larger than a single 30 inch circular conduit but no larger than a single 48 inch diameter circular conduit.

MITIGATION, WETLANDS

Restoration of existing degraded wetlands or creation of man-made wetlands in areas adjacent or contiguous to the impacted wetland. If on-site mitigation is not practical, off-site mitigation should be undertaken in close proximity and, to the extent possible, within the same watershed.

MOBILE HOME

The term "mobile home" is defined in Section 320.01 (2) (a), Florida Statutes, or its successor provisions as follows: a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. In addition, according to the Florida Department of Community Affairs (DCA): a mobile home is also called a "manufactured home" or "HUD code home"; is a home built entirely at a factory that usually requires hook-up of utilities and certain appliances on delivery; may be installed on a temporary or permanent foundation, and could be considered real property by a local property appraiser. On installation, a mobile/manufactured home's wheels and axels may be removed, but the chassis must stay in place. Such homes must be built in accordance with U.S. Department of Housing and Urban Development (HUD) code that supersedes state or local building codes. To be acceptable in Florida, a mobile home must bear the HUD label and be secured with anchor tie-downs as specified in Section 320.8325, Florida Statutes, and must be installed by a mobile home installer certified by the Department of Highway Safety and Motor Vehicles.



OBJECTIVE REC 7 OPEN SPACE PRESERVATION

The County shall develop a system of open spaces through the preservation and/or acquisition of significant lands, native habitat and habitat of endangered, threatened and species of special concern, and through the development review and approval process.

Policy REC 7.1 Open Space Standards

The County shall evaluate and amend, as necessary, , the standards upon which Policies FLU 1.1 through 1.4, and Policy FLU 4.4 are based, and the Land Development Code's provisions to implement those policies, based on the findings of Evaluation and Appraisal Reports.

Policy REC 7.2 Environmentally Sensitive Lands Overlay

The County shall protect Environmentally Sensitive Lands through continued implementation of Policies FLU 1.1, 1.2, 1.3, 1.4, 12.8, 12.9, and Objective FLU 13 and its Policies as a means of preserving locally significant wetlands and major open space areas by maintaining the mosaic of high quality wetland habitat found in the Wekiva and Econ Basins, the Lake Jesup Basin, and the East Rural area of Seminole County.

Policy REC 7.3 Wekiva and Econlockhatchee River Protection Zone

The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River, and Econlockhatchee River and such other water bodies as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas, to serve as a scenic and environmental buffer to maintain the status quo of the natural environment and prevent public harms. As additional protection, development activity (including the placing or depositing of fill within wetlands and the one hundred (100) year floodplain identified by FEMA), within the Wekiva River Protection Area shall be prohibited except in cases of overriding public interest. Where wetland values are degraded due to overriding public interest, mitigation efforts shall occur. Floodplain impacts will require compensating storage.

Policy REC 7.4 Natural/Environmental Land Acquisition and Preservation Programs

The County shall continue to coordinate with the Florida Department of Environmental Protection and all other appropriate agencies to establish and revise regulations and programs for the acquisition and preservation of natural/environmental lands.

Policy REC 7.5 Agency Coordination

The County shall work in conjunction with the State of Florida, the St. Johns River Water Management District, the Nature Conservancy, the Trust for Public Lands, and other appropriate agencies involved in conservation lands to create a Countywide system and a Greenways/Trails/Blueways system.

Policy REC 7.6 Acquisition Program-Local Assistance

The County shall support and assist in the acquisition of projects significant resource areas located within Seminole County, including, but not limited to, Spring Hammock Preserve, Wekiva buffers, and the Lower Econlockhatchee River Projects. This support may include joint acquisition, development of conceptual management plans and property management. Acquisition and assistance programs to be pursued shall include the Florida Forever and its successor program, the Trust for Public Lands as well as the Nature Conservancy, Department of Forestry, and St. Johns River Water Management District.

**RESPONSE TO SENATE BILL 360
TRANSPORTATION CONCURRENCY EXCEPTION AREA AMENDMENTS
FIRST SECTION**



IMPLEMENTATION ELEMENT INTRODUCTION

The Implementation Element is an optional element of the Seminole County Comprehensive not required by Florida Statutes. The Implementation Element provides direction to accomplish specific actions related to Plan programs, regulations, development policies, and coordination, including:

- A State mandated Evaluation and Appraisal Report of the Comprehensive Plan;
- B Annual updates to the Capital Improvements Element;
- C Amendments to the Land Development Code;
- D Future Land Use amendments;
- E A process for interpreting Future Land Use district boundaries;
- F A process for public participation; and
- G Administration of a-Concurrency Management and Mobility Strategy Systems.

The Comprehensive Plan includes the following statutorily required and optional Elements:

Capital Improvements	Introduction (optional)
Conservation	Potable Water
Drainage	Public School Facilities
Future Land Use	Recreation and Open Space
Housing	Sanitary Sewer
Implementation (optional)	Solid Waste
Intergovernmental Coordination	Transportation

Seminole County adopted its first Comprehensive Plan to fully meet Rule 9J-5, Florida Administrative Code requirements on September 11, 1991. As part of the early efforts to implement the plan, in 1992, the County identified nonconforming uses and zonings and conflicting zonings. The County made every effort to bring these uses/zonings into compliance with the adopted Comprehensive Plan. The County conducted an extensive search on all unincorporated lots and parcels to identify nonconforming uses and zonings and conflicting zonings. - The Board of County Commissioners subsequently held advertised public hearings in 1992 (and again in 2008) to remedy these nonconformities and conflicts in accordance with the recommendations of the Comprehensive Plan. The Implementation Element includes processes for resolving, when identified, any nonconforming uses and rezonings, or conflicting zonings.

As part of the adoption of the 2008 Plan, the County evaluated the need for any amendments pertaining to updating data and dates, rules of grammar, and formatting. As a result, the reader will find the Plan more accessible and understandable than previous Plan updates. As a supplement to the Plan, during 2009, the County is also creating a “Reader’s Guide” to direct readers to particular Plan sections and to make the Plan more “user friendly”. In 2003, the County adopted a resolution authorizing conversion of the County’s Future Land Use Maps to digitalized format from the traditional paper format. The County adopted amendments to the Implementation Element in 2004 to reflect the change from paper to digital mapping for both the County’s Future Land Use Maps and Zoning Maps.

This Element also includes processes for a Concurrency Management System and describes how public participation is addressed above and beyond the statutory requirements. This Element also provides direction regarding preparation of Evaluation and Appraisal Reports, annual Capital Improvement Element Updates, Land Development Code amendments, and Future Land Use amendments.

ACTIONS

The ~~following actions represent how the~~ Plan is implemented through within four (4) major categories of action:

Plan Programs

Plan policies address the continuation, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction.

Regulations

Continued enforcement of existing regulations, revising existing regulations and/or creating implementing new land development regulations for managing growth, providing adequate levels of service, and protecting the environment.

Development Policies

Adoption and implementation of criteria and performance frameworks that guide standards for when, where and how development is to occur. These policies are contained in the Future Land Use Element and other Plan Elements.

Coordination

The Plan includes policies in the Intergovernmental Coordination Element and in other Elements that explain how and relating to what extent the County will coordinate with other local, regional, State, and Federal agencies.

The County achieves progress toward meeting the goals, objectives and policies through various implementation programs. An explanation of these implementation programs follows.

- A Evaluation and Appraisal Reports
- B Annual Capital Improvements Element Updates
- C Comprehensive Plan Updates
- D Land Development Code Updates
- E Future Land Use Map Amendments
- F Interpretation of Future Land Use Designation Boundaries
- G Nonconforming Uses, Nonconforming Zonings, and Conflicting Zonings
- H Public Participation
- I Concurrency Management System and Mobility Strategy
- J Special Studies



- F When a placard is required, failure to post such a placard shall not be cause for continuation or rescheduling of a public hearing unless the board or commission finds that the applicant conducted himself/herself in a manner intentionally designed to mislead the public or discourage public participation.

If an application is withdrawn by letter or other formal notice prior to the announced hearing, or is continued to a date certain before the hearing is legally convened, no new public notice is required, unless directed by the board or commission. If an application is continued to a date certain that is greater than sixty (60) days from the date of the application was continued, the County shall publish a new advertisement, provide notice to property owners, and post a placard of the property, as provided for in this section. If the County continues an application, but not to a date certain, the new notice shall be provided in accordance with this section at the expense of the applicant.

Proposed Amendments to the Comprehensive Plan

Property owners or individuals having appropriate legal interests in parcels of property may request an amendment to the County’s Comprehensive Plan for a change to future land use designations. The County shall process Plan amendment applications in accordance with the provisions of this Plan and Part II, Chapter 163, Florida Statutes, or any other applicable County administrative code, home rule charter process, or interlocal agreement.

Ethics

All matters related to comprehensive planning and related processes shall be subject to the provisions of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) or its successor provisions and any adopted County code of ethics.

Subsequent Procedures

The provisions set forth herein are minimum provisions which are intended to facilitate the orderly review, discussion and consideration of public matters relating to comprehensive planning and related processes.

CONCURRENCY MANAGEMENT SYSTEM

The following program descriptions ensure that Comprehensive Plan levels of service are achieved or exceeded. The County has adopted each implementation program by ordinance, resolution or executive order, as appropriate for each implementation program.

Definitions

The following definitions apply:

- A “Category of public facilities” means a specific group of public facilities, as follows:
 - ~~A~~ ~~Category I - Concurrency Facilities Operated by County. Category I public facilities are arterial and collector roads located within the rural portions of unincorporated Seminole County not included within the Transportation Concurrency Exception Area (TCEA) (see Exhibit TRA: Dense Urban Area/Transportation Concurrency Exception Areas), ~~mass transit~~, stormwater management, potable water, sanitary sewer, solid waste, and parks and recreation facilities owned or operated by the County, all of which are addressed in the several Elements of this Comprehensive Plan. ~~Mass transit is a Category I public facility even though the County contracts with LYNX – Central Florida Regional Transportation Authority, to provide mass transit on behalf of the County.~~~~
 - ~~BA~~ ~~Category II – Non-Concurrency Facilities Operated by County. Category II public facilities are libraries, fire-rescue service and other government facilities owned or operated by the County and included as facility Elements in this Comprehensive Plan.~~



SEMINOLE COUNTY COMPREHENSIVE PLAN

EB Category III - Concurrency Facilities Operated by Non-County Entities. Category III public facilities are State arterial and collector roads classified as part of the Strategic Intermodal System (SIS), mass transit, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation facilities owned or operated by Federal, State, municipal, or other county governments, independent districts, private organizations, and public schools.

B “Development order” means any order or permit granting, denying, or granting with conditions, an application for a preliminary development order, final development order, development permit, or any other official action of the County having the effect of permitting the development of land.

A “Preliminary development order” means a: new land use designation to a parcel of real property, planned ~~commercial~~-development preliminary site plan, planned ~~unit~~-development preliminary master plan, the rezoning of a parcel of real property, or a subdivision development plan.

B “Final development order” means the approval of a: development of regional impact, borrow pit permit, electrical permit, planned commercial development final site plan, planned unit development final master plan, right-of-way utilization permit, site plan, special exception, variance, subdivision preliminary plat, subdivision final plat, underground utility permit, waiver to subdivision platting requirements, dredge and fill permit, written agreement with Seminole County School Board for the provision of public facilities and services as required by State Law, and any other development order which results in an immediate and continuing impact upon concurrency public facilities. Final Development orders may address future expansions of a development and may provide for phasing. A Final Development order may provide for meeting conditions for subsequent approvals or permits.

C “Development permit” means a: arbor permit, building permit, construction permit-site, construction permit-subdivision, deck and porch permit, plumbing permit, razing permit, septic repair permit, septic tank permit, sign permit, and any other development approval other than a final development order or preliminary development order.

D “Public facility” means the capital improvements and systems of each of the following: arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, library service, fire-rescue service, and other County buildings.

E “Financial Feasibility” means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, State and Federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by Section 163.3180, Florida Statutes (F.S). In the event a transportation facility is identified with a significant backlog, the County shall adopt, as a part of its plan, a long-term transportation concurrency management system with a planning period of up to 10 years for specially designated districts or areas where such backlogs exist. The plan may include interim level-of-service standards on certain facilities and shall rely on the adopted schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system will be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system will be financially feasible and consistent with other portions of the adopted local plan, including the future land use map. [s.163.3180(9)(a)], F.S.

addition to a Public School Facilities Element, as required by Section 163.31777, 163.3180(13) and 163.3177(12), Florida Statutes (F.S.).

Beginning in 2007, the County and County Municipalities began coordinating with the Seminole County School Board in preparing, amending, and joint approving financially feasible public school facilities programs and adoption of these program into County and Municipal Comprehensive Plans, as required by Section 163.3180(13), F.S..

Proportionate Fair-Share Program

The Florida Growth Management Act of 1985 included a requirement that all local governments must adopt "Concurrency Management Systems (CMS) to ensure that necessary public services are available concurrent with the impacts of development on those services. The CMS requires local governments to adopt "Levels of Service" for services such as transportation, and, as a part of development approval, evaluate whether the service needs of a proposed development exceed the existing capacity of a service and any scheduled improvements. If adequate capacity is not available, local governments cannot permit a development unless certain specified conditions are applied.

Financial Feasibility

Financial feasibility is important as the premise of concurrency provides that public facilities will be provided in order to achieve and maintain adopted level of service standard within the period covered by the five year schedule of capital improvements. The requirement that level of service standards be achieved and maintained shall not apply if the proportionate-share process set forth in Section 163.3180(12) and (16), Florida Statutes, is used. Policy IMP 2.5(C) that Seminole County uses a realistic, financially feasible funding system based on currently available revenue sources as defined in Chapter 9J-5.003(29), Florida Administrative Code.

VARIABLE (MULTIPLE) METHOD TRANSPORTATION AREAS AND SINGLE METHOD TRANSPORTATION AREAS

In accordance with subsection 163.3180 (5)(a), Florida Statutes, wherein the Legislature found that the unintended result of the concurrency requirement for transportation facilities is often discouragement of urban infill development and redevelopment, which conflicts with the goals and policies of the state comprehensive plan: the nonrural portion of Seminole County was designated as a Transportation Concurrency Exception Area (TCEA) (See Exhibit TRA: Dense Urban Area/Transportation Concurrency Exception Area.)

In accordance with the provisions of subsection 163.3180 (5) (a) 4, Seminole County and its cities shall, by 2011, adopt into their comprehensive plans the land use and transportation strategies to support and fund variable (multiple) methods of transportation for major development/redevelopment corridors and mixed use centers within the exception area, including alternative modes of transportation. The County and city shall identify the proposed boundaries of the generalized Variable (Multiple) Method Transportation Areas and Single Method Transportation Areas within the Nonrural TCEA area. Within the Variable Method Transportation Areas, the Comprehensive Plan of the County and cities shall assign primary priority to assuring a safe, comfortable and attractive pedestrian environment, with convenient interconnection to transit and use of bicycle. These areas shall incorporate community performance frameworks that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system.



In addition to the US 17-92 Community Redevelopment Area (CRA) Corridor TCEA that was approved in 2008, the other corridors that shall be included in the variable method transportation area strategy shall include:

- State Road 46 (urban portions);
- Lake Mary Boulevard;
- State Road 434; and
- State Road 436

Mixed use and redeveloping centers that may be included in the variable method transportation area strategy include, at a minimum:

- County seat/Sanford Central Business District Community Redevelopment Area;
- Altamonte Springs Uptown Altamonte, including Cranes Roost and Altamonte Mall;
- Casselberry Central Business District;
- Fern Park
- Lake Mary Central Business District;
- Oviedo Marketplace;
- Winter Springs Town Center; and
- Transit-oriented developments serving major transportation facilities.

The strategy shall identify measures of mobility that shall apply in the Variable Method Transportation Areas located within the Nonrural TCEA Area. Each Area shall have mobility measures uniquely supportive of the existing and future land use pattern within that district. Mobility measures may include, but not be limited to:

- Frequency of transit service ("headway")
- Transit shelter placement and improvement
- Pedestrian and bicycle mobility improvements (sidewalk plans, marked bicycle lanes, etc.)
- Community Performance frameworks to integrate pedestrians, transit and bicycle into redevelopment and infill development site plans, in order to achieve pedestrian and transit oriented development patterns.



- 2 No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law.

Policy IMP 2.5 Development Orders (Capacity Determinations and Availability)

The availability of public facility capacity to support development orders or permits issued pursuant to Policies IMP 2.3 and IMP 2.4A, shall be concurrent with the impacts of such development and shall be determined in accordance with the following:

- A Potable Water, Sanitary Sewer, Solid Waste, and Drainage Facilities:
 - 1 ~~Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies and potable water facilities shall be in place and available to serve new development no later than the issuance by Seminole County of a certificate of occupancy or its functional equivalent. The necessary facilities and services are in place at the time a development permit is issued; or~~
 - 2 ~~Prior to approval of a building permit or its functional equivalent, Seminole County shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy or functional equivalent. Development orders and permits are issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or~~
 - 3 ~~Within areas where on-site sewage treatment facilities are allowable, Seminole County may meet the concurrency requirement for sanitary sewer through the use of on-site sewage treatment and disposal systems approved by the Department of Health to serve new development. The necessary facilities and services are under construction at the time a development order or permit is issued; or~~
 - 4 ~~The necessary facilities and services are guaranteed in an enforceable development agreement meeting the requirements of the Concurrency Management System Rules of the Department of Community Affairs (Chapter 9J-5, Florida Administrative Code). The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.~~
- B ~~Parks and Recreation Facilities~~ Potable Water Facilities:
 - 1 ~~Consistent with the public welfare, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by Seminole County of a certificate of occupancy or its functional equivalent. However, acreage for such facilities shall be dedicated or acquired by Seminole County prior to issuance of a certificate of occupancy, or funds in the amount of the developer's fair share shall be committed no later than Seminole County's issuance of approval to commence construction. For potable water, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the County of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the County shall consult with the~~



~~applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the County of a certificate of occupancy or its functional equivalent.~~

~~C~~ Parks and Recreation Facilities:

- ~~1~~ Any of the provisions of Section A.1.-A.4. listed above for potable water, sanitary sewer, solid waste and drainage; or
- ~~2~~ The necessary facilities are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities within one (1) year of the issuance of the development order or permit; or
- ~~3~~ 2 The necessary facilities are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities within one (1) year of the issuance of the applicable development order or permit.

~~DC~~ Roads and Mass Transit Transportation Facilities:

- ~~1~~ Consistent with the public welfare, for those portions of Seminole County contained within areas defined as "rural" by the Seminole County Comprehensive Plan (including the East Seminole County Rural Area, and the Wekiva River Protection Area, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after Seminole County approves a building permit or its functional equivalent that results in traffic generation. Any of the provisions of section A.1.-A.4. listed above for potable water, sanitary sewer, solid waste, and drainage; or
- ~~2~~ For those portions of Seminole County contained within the nonrural portion of the County (the Transportation Concurrency Exception Area), compliance with adopted mobility strategies shall be a condition of development approval, and the required fair share of the mobility features of the particular Transportation Area shall be in place within 3 years after Seminole County approves a building permit, or fair share funds shall be committed no later than Seminole County's approval to commence construction. Any of the provisions of section B.1.-B.3 listed above for parks and recreation; or
- ~~3~~ The County has committed to provide the necessary public facilities in accordance with the five year Schedule of Capital Improvements and approved developer fair share agreements. For standard Transportation Concurrency in the rural area, the County and has adopted and implemented a concurrency management system based upon an adequate capital improvements program and schedule, provided that:
 - ~~a.~~ The Capital Improvements Element and five year Schedule of Capital Improvements must be financially feasible. Included in the determination of financial feasibility shall be any proportionate fair-share contribution as provided by Section 163.3180(16), Florida Statutes (F.S.) and determined by the methodology included in the Land Development Code in accordance with Section 163.3180(12), F.S., where this option is used to satisfy transportation concurrency. The list of public facilities may include transportation projects included in the first three (3) years of the applicable adopted Florida Department of Transportation five-year work program. In the case of a development choosing to satisfy transportation concurrency



- i. This Comprehensive Plan shall continue to designate clearly the areas within which the County will provide facilities with public funds in accordance with the five year Capital Improvements Schedule of this Comprehensive Plan.
- 4 In the event a transportation facility within the rural area is identified with a significant backlog, the County shall adopt, as a part of its plan, a long-term transportation concurrency management system with a planning period of up to 10 years for specially designated districts or areas where such backlogs exist. The plan may include interim level-of-service standards on certain facilities and shall rely on the adopted schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system will be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system will be financially feasible and consistent with other portions of the adopted local plan, including the future land use map. [Section.163.3180(9)(a, Florida Statutes)].

Additionally, the County's comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by Section. 163.3189, Florida Statutes .

- 5 The County shall enforce land development regulations to allow for proportionate share contributions from developers toward meeting transportation concurrency requirements. Compliance with these regulations will provide developers an opportunity to proceed with a development when proposal is otherwise consistent with the Comprehensive Plan, but transportation service capacity is not available.

Policy IMP 2.6 Limitation of Capacity Determinations

The determination that capacity is available shall apply only to specific uses, densities and intensities included in the development order or permit or in an enforceable developers agreement. The certificate of capacity shall not be transferable to any other property.

Policy IMP 2.7 Time Frame of Capacity Determinations

The determination that such capacity is available shall be valid for a period specified in the County's land development regulations. No further determination of capacity for the subject property is required prior to the expiration of the determination of capacity for the development order or permit, provided that the capacity has been reserved for the development order or permit. The subject property may extend the reservation of capacity to subsequent development orders or permits for the same property. Any change in the density, intensity, or land use that requires additional public facilities or capacity, is subject to review and approval or denial by the County.

Policy IMP 2.8 Assurances of Capacity Availability

The determination that such capacity is available shall be binding on the County to the extent authorized by law, at such time as the applicant provides assurances, acceptable to the County in form and amount, to guarantee the applicant's pro rata share of the County's financial obligation for public facilities. The County will construct these facilities for the general benefit of the public and the special benefit of the subject property. The County's land development regulations specify acceptable forms of assurances and procedures to

**OBJECTIVE IMP 3 GEOGRAPHIC AREAS FOR DETERMINATION**

The County shall apply standards for levels of service of Category I and Category II public facilities to the issuance of development orders on a geographical basis .

Policy IMP 3.1 Arterial and Collector Roads

The County shall not issue a development order or permit in any unincorporated part of Seminole County that is not a part of the Transportation Concurrency Exception Area (TCEA) if the standard for levels of service of arterial and collector roads are not achieved and maintained. The County shall identify, in the land development regulations, trip generation thresholds and geographic impact areas for developments based upon types of land uses, associated densities and intensities, total trip generation and radius of traffic impact.

Policy IMP 3.2 Other Public Facilities Which Serve All of Seminole County

Other public facilities which serve all of Seminole County shall achieve and maintain the standards for levels of service on a Countywide basis. No development order or permit shall be issued in any unincorporated part of Seminole County if the standard for levels of service are not achieved and maintained throughout the County for:

- A Solid Waste Disposal
- B Parks and Recreational Facilities

Policy IMP 3.3 Other Public Facilities Which Serve Less Than All of Seminole County

Other public facilities, which serve less than all of Seminole County, shall achieve and maintain the standard for levels of service within their assigned service area. No development order or permit shall be issued in an assigned service area if the standard for levels of service are not achieved and maintained throughout the assigned service area for the following public facilities and assigned service areas:

- A Potable Water Systems: Water System Service Area as designated in the Potable Water Element of the Comprehensive Plan.
- B Sanitary Sewer Systems: Sanitary Sewer System Service Area as designated in the Sanitary Sewer Element of the Comprehensive Plan.
- C Stormwater Management Systems: Site Specific.
- D Mass Transit: Mass Transit Service Areas.
- E Public School Facilities. School concurrency shall be measured and applied using a geographic area known as a Concurrency Service Area (CSA), which coincides with groupings of school attendance zones within each school type based on adjacency, as established by the 2007 Interlocal Agreement for Public School Facility Planning and School Concurrency As Amended January 2008 (Interlocal Agreement). The mappings of CSAs are included in the data and analysis of the Public School Facilities Element Support Document and are provided in the Appendix to the Interlocal Agreement.

**RESPONSE TO SENATE BILL 360
TRANSPORTATION CONCURRENCY EXCEPTION AREA AMENDMENTS
SECOND SECTION**



system, oriented toward delivering commuters to southern counties, must now accomplish the opposite task. Improving the connections from adjacent counties to employment centers will grow in importance as businesses continue to grow.

- **Transportation disadvantaged:** The economic growth within Seminole County threatens to leave a portion of its residents completely behind. Recent development patterns have utilized the single-occupancy vehicle as the only viable transportation mode. While the single-occupancy vehicle offers great efficiency at low-density development patterns, the assumption that this mode is available to all residents is not realistic. The expense of owning and operating a private vehicle is beyond the economic means of many Seminole County residents. In addition, some otherwise employable residents live with mobility or other developmental limitations that prevent their use of a car.

Creation of Mixed Use Centers

As the County continues to protect its rural and environmentally sensitive lands and the population continues to increase, new development will wind down and the redevelopment of previously developed areas will increase. As development corridors and mixed use centers redevelop, the transportation system that supports them will need to adapt to changing transportation needs and circumstances.

The current development pattern in Seminole County's development corridors and mixed use centers had previously emphasized unconnected businesses on arterials, low density strip shopping centers, interchange development, regional shopping malls, and office complexes. As these areas are redeveloped, a new pattern that is better suited to higher population densities, more diverse economic needs, and higher real estate values will emerge. More urban patterns of mixed uses will occur, with the attendant change in transportation patterns.

The County had ensured the coordination of growth and development by tying new development approvals to the provision of infrastructure and other facilities, per the requirements of Chapter 163, Florida Statutes provisions for Concurrency. Thus, in areas where adequate facilities are not provided in time, development must slow to allow a catch up. While this method of growth coordination was useful in areas where new development must be paired with new infrastructure, it is not effective as the County's development corridors and activity centers redevelop. This A concurrency management system based only on roadway capacity availability instead acts to discourage redevelopment and encourage urban sprawl. For that reason, as the County acted during its 2008 Evaluation and Appraisal Report (EAR)-based comprehensive plan amendments seeks to carry out the findings of the US 17-92 CRA 2006 Corridor Strategy by administratively redesignating lands within the corridor for Mixed Development (MXD). In addition, as a part of the County's 2008 EAR-based amendments, the County designated the US 17-92 CRA Corridor as a Transportation Concurrency Exception Area (TCEA). This designation allows a local government to develop a multi-modal approach to mobility, instead of relying solely upon increased roadway capacity to accommodate potential traffic attracted to, or generated by, redevelopment. As a part of the mobility strategy that Seminole County is developing with the cities that are partners in the US 17-92 CRA, the County is coordinating with LYNX to increase peak hour public transit headways, and creating design standards to facilitate pedestrian and transit-oriented development. The County will continue to identify methods that encourage redevelopment and continued economic growth while still ensuring that these redevelopment efforts do not preclude mobility of pedestrians, transit riders and drivers. overwhelm available infrastructure.



One method at ensuring mobility that is contained with the provisions of Chapter 163 of Florida Statutes allows local governments to concurrency is to expand the definition of what kinds of transportation infrastructure and facilities are needed by a new or redeveloped property. Instead of relying on the arterial road network for all of the transportation needs of each development and redevelopment, identifying variable (multiple) transportation strategies that expanding "facilities" to include those of all available modes enables local governments to provide for alternate means of ensuring provides a clearer picture of mobility and accessibility. Facilities that support transit, rail commuting, walking, and biking offer accessibility options that are increasingly encouraged. Connecting redeveloping areas to surrounding communities and making internal connections within the redeveloping areas and surrounding communities allows continued economic growth in the midst of limited roadway expansion opportunities.

Amendments to Chapter 163, Florida Statutes adopted during 2009 identified the nonrural portion of Seminole County as a Transportation Concurrency Exception Area (TCEA). This area is depicted on Exhibit TRA: Dense Urban Area/Transportation Concurrency Exception Area.

By 2011, Seminole County is required to both adopt into its comprehensive plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternate modes of transportation. The plan amendment must demonstrate how strategies will support the purpose of the exception (enabling redevelopment and infill development that also prevents urban sprawl) and how mobility within the designated area will be provided. Strategies must address urban design, appropriate land use mixes (including density and intensity) and network connectivity plans needed to promote urban infill, redevelopment or downtown revitalization. Seminole County will continue to work with its cities, and with the City of Maitland and Orange County to achieve a unified approach to mobility management within the designated exception area. The strategy shall be developed through the use of public workshops that involve residents, interested property and business owners and commuters who work and live in Seminole County.

Appropriate Transportation Facilities

Within the transition of population and economy in Seminole County, it has an adopted goal of providing an effective, convenient, and economically feasible transportation system. To assess progress toward this goal, the Comprehensive Plan has established specific measurable objectives, and the County's regulations, investments, and incentives are focused on attaining the adopted goal.

Seminole County has utilized and continues to utilize, outside of the designated exception area, the conventional method of measuring transportation system efficacy - level of service standards. It has established LOS E as the standard for County arterial and collector streets that are located outside of the designated exception area. This level of service standard encourages the concentration of new development in established mixed use centers, maximizing the infrastructure investment in the centers while minimizing urban sprawl. Improvements in the operation of the transportation system should outweigh localized deficiencies. Improvements in the urban environment should outweigh deficiencies in the transportation system.

As the County transitions, the methods used by the County to measure its progress toward transportation goals must also transition. In addition to conventional methods of measurement, the County will continue to employ a variety of techniques and procedures.



- The County will continue addressing traffic safety through the County's accident analysis program.
- The County will continue to conduct special area and corridor transportation studies in order to refine the data reported in the Plan and to evaluate alternative transportation improvements, such as the use of Intelligent Transportation (IT) systems.
- The County will continue to conduct detailed studies of specific roadway segments such as travel time/delay studies as a means of evaluating levels of service and mobility, and transportation systems management options for improvement of roadway corridor usages.
- In transit-oriented development and redevelopment corridors and mixed use centers where conventional level of service standards alone fail to ensure that the desired land use pattern and desired levels of measure—all mobility and accessibility are achieved options, the County, in concert with the cities, will develop multi-modal mobility strategies level of service standards and implementation methodologies.

Issue TRA 3

Key Themes of the Central Florida Regional Growth Vision

The regional vision developed through the “How Shall We Grow?” planning efforts focused development within centers and corridors in order to protect the character of surrounding Countryside I and Conservation Areas. The identification of growth and redevelopment areas also allows a range of transportation options, including transit, to be provided in an efficient manner. To implement this vision, the County must prioritize its regulatory focus, its investments, and its incentive programs. The County recognizes that its existing long-range planning program has already established the framework for support of the principles of the Central Florida Regional Growth Vision (“How Shall We Grow?”). The 2008 Evaluation and Appraisal Report (EAR)-Based Amendments to the Comprehensive Plan and this Transportation Element further the County's support of that Regional Growth Vision by addressing transportation needs in terms of its key themes – Conservation, Countryside, Centers, and Corridors – and by articulating methods of achieving the Regional Vision principle of providing a variety of transportation choices, with each set of choices designed to meet the needs within the theme areas.

Countryside and Conservation

The focus of transportation in Countryside areas (the County's designated East Rural Area) is in the private automobile. Land uses in rural areas are spaced far apart, with residential density at 1 unit per 5 to 10 acres. Rural land is dedicated to environmental conservation, agriculture, and very low density residential. For daily needs, rural residents must travel some distance to the urban area, or to small neighborhood centers. The typical cross section for rural roadways is designed to omit urban amenities such as sidewalks, curb and gutter drainage, and lighting. At such low densities, walking is not a logical mode of travel for work or shopping purposes; however, where deemed necessary, sidewalks may be incorporated into a particular cross section. Biking in the countryside is primarily for recreational purposes. Public transit, an urban service, is not economically sustainable in areas of low population density. Paratransit and family and friends serve those that are not independently mobile.

Corridors

Developing and redeveloping corridors present a mix of transportation options, due to greater concentrations of residents, employers and other destinations. These corridors also present a mix of transportation needs. Seminole County residents become a part of



regional traffic when they use State roads to access jobs and services in Orange, Lake and Volusia Counties. The office and commercial land uses within development corridors have a regional and countywide draw, and thus the streets that serve them carry both county and regional traffic. Finally, the retail that is mixed in with the office and commercial uses serves the neighborhoods that are directly adjacent to the development corridor. ~~The All~~ development is linear in form - a thin veneer of office, commercial, and retail masks the large neighborhoods directly behind it.

With a growing County in terms of population and economy, the traffic must increase on the current arterial system since geography and development patterns dictate no new major arterials. As the economy grows and transitions, the redevelopment on the County's development corridors will mix land uses, serving not only regional traffic but neighborhood residents as well. Yet, with increased traffic on limited arterials, congestion and travel time will increase for residents forced to travel on the arterials; therefore, a greater need for travel alternatives such as transit arises.

This Comprehensive Plan addresses these issues by encouraging local roads, bicycle facilities, sidewalks, trails and transit to provide connections between areas so that residents can travel using alternate modes and without ~~greatly using the congested~~ corridors. Commuter rail and supporting bus connections will provide connections between corridors and other regional centers. This plan also seeks to manage and consolidate access along roads so that the roadway can serve the dual purpose of moving through vehicles as well as serving the local accessibility of mixed use corridors. ~~The Plan encourages access management through internal connections, alleys, cross-access agreements, and other mechanisms.~~

Centers

In mixed use centers, the kind of development seen along on development corridors is concentrated into a single urban space, and residential and other land uses may occur on the same parcel or within the same structure. Frequently located at the crossroads of development corridors, mixed use centers are distinctly different. There is a higher concentration of development and higher density of residential uses, and a sense of "place" is possible. Development patterns are more pedestrian-oriented, allowing for greater ease of service by bicycle, foot and public transit. The centers themselves may serve as transfer points between travel modes. A center may be served by both local and express transit, may contain pedestrian and bicycle connections to another center, and may contain intermodal facilities (rail stations with bus and taxi stops, for example). City downtowns that remain vibrant, or have redeveloped successfully, are examples of these mixed use centers.

As economic development continues to add jobs to activity centers, these areas begin to mix land uses with the inclusion of public buildings, multi-family residential and other uses less emphasized not previously ~~developed~~ in Seminole County. The transportation needs that emerge stem from mobility and accessibility needs to and from and within centers. Residents from outside Seminole County will be attracted to regional job opportunities and travel long distances. Seminole County residents will travel shorter distances to mixed use centers. Finally, when commuters, shoppers, and residents come together in the center, effective circulation within the center becomes paramount. This Comprehensive Plan addresses these needs by encouraging a full network of roads, bike ways, and sidewalks within centers, effective and efficient transit to/from and between centers, and a network of local arterials so that regional commuting traffic is encouraged to shift more to on Interstate 4, SR 417, and using the commuter rail system.



- Multi-modal analysis;

Policy TRA 1.1.5.2 Multi-Modal Transportation ~~LOS Analysis~~ Long-Term Strategies Techniques/Standards

~~By 2011, the County, in concert with its cities, shall use public workshops to develop and adopt long-term strategies to support and fund mobility within designated exception areas special area plans, as needed, for the areas of special concern, in consultation with local governments and the Florida Department of Community Affairs. When appropriate, the County shall adopt strategies and additional or alternative level of service standards and methods of applying levels of service standards that recognize that:~~

- Improvements in overall operation of the roadway system outweigh localized deficiencies, and
- Improvements in the overall multi-modal transportation system outweigh deficiencies in the roadway system, and
- Improvements in the overall urban environment outweigh deficiencies in the transportation system.

These multimodal level of service standards shall address accessibility for vehicular traffic, pedestrians, cyclists, transit and other modes.

Policy TRA 1.1.6 Measurement of Roadway Operational Level of Service

The Seminole County Generalized Maximum Service Volumes for Arterial and Collector Roadways are an appropriate guideline for comparing the LOS for different years, in order to establish the extent of traffic service improvement or deterioration over time.

The generalized guidelines are not an appropriate indicator of the actual operational LOS or of the improvement needed to correct a LOS that is deemed "deficient". Rather, the generalized guidelines, when applied to a specific road link, should be interpreted as meaning that under worst-case conditions, the "deficient" link might need improvement of some type, and that further analysis using the more rigorous procedures of the 2000 Highway Capacity Manual is warranted. It is further emphasized that even where a road link is found to be deficient according to Highway Capacity Manual methods, the appropriate remedy to restoring a satisfactory LOS is not necessarily widening of the link, but could instead be:

- Intersection improvements,
- Signal timing changes;
- Turning or auxiliary lanes;
- Access management;
- Reclassification of the road;
- Signal removal;
- Improvements in parallel corridors;
- Mass transit improvements;
- Improvement in other modes of travel; or
- Numerous other traffic engineering measures.



Policy TRA 1.1.8 Annual Evaluation of State Constrained/Backlogged Facilities

At least annually, the County shall determine the need to evaluate the operating conditions on constrained and backlogged State roadway facilities in order to determine whether operating conditions have been maintained.

Policy TRA 1.1.9 Transportation Facility Transfer Standards

The County shall oppose any transfer of roadways to the County's jurisdiction unless the roadways are improved to meet County established operational level of service and design standards and are accompanied by a commensurate level of operating funding or additional local authority to generate funding without referendum.

Policy TRA 1.1.10 Alternative Land and Mobility Development Proposals

The County may consider some alternative reasonable land use, development projects linked to mobility projects, development agreements or development phasing when a development order is subject to denial on the basis of existing substandard operational level(s) of service on the major road system within that portion of the County that is not included within the Transportation Concurrency Exception Area (TCEA).

Policy TRA 1.1.11 Prior Development Order Conditions Remain Valid

Developments approved prior to the adoption of this Plan with conditions to improve the transportation system shall not be exempted from those conditions as a result of adoption of any LOS standard or any County Comprehensive Plan provision. To that end, nothing in this Plan shall be deemed or construed to eliminate or obviate any development condition placed upon a development as a condition of approval.



GOAL TRA 2 CENTERS AND CORRIDORS

By 2011, the county shall adopt and implement long term strategies to support and fund mobility within the designated Transportation Concurrency Exception Area (TCEA) that will develop and maintain an effective, convenient and economically feasible multi-modal transportation system within its development/redevelopment corridors and mixed use centers. The strategy, developed through public workshops and in concert with its cities and Orange County, shall ~~that~~ provides a balance between access and mobility, supports development of infill parcels and redevelopment of adjacent land uses in a manner compatible with surrounding uses, and is compatible with the economic viability and natural features aesthetics of the County.

OBJECTIVE TRA 2.1 STRATEGIES AND LEVEL OF SERVICE STANDARDS

The County shall establish and utilize strategies and level of service standards for the provision of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the County Road System and the portion of the State Highway System in the unincorporated area of the County), both within the TCEA and outside of it, that will measure progress toward achieving the stated goal through implementation of the following policies.

Policy TRA 2.1.1 County Transit Level of Service Standard

The existing following operational level of service standard for transit services of is adopted: 1.03 revenue miles per capita per year, based on the estimated functional population within the transit service area as depicted in *Exhibit TRA: Transit Service 2007*, shall be evaluated before 2011 to determine if differing levels of service are needed within centers and along specified urban development/redevelopment corridors. Corridors to be evaluated include, but are not limited to: US 17-92, urban portions of State Road 46, Lake Mary Boulevard, State Road 434 and State Road 436.

Policy TRA 2.1.2 County Road Level of Service Standards

The County shall establish operational level of service standards for the peak operating hours based on the 2000 Highway Capacity Manual. For arterial and collector roadway segments on the County's major road system the adopted level of service standards shall be as follows:

- All County Roadways within Development/Redevelopment Corridors: LOS FE
- All County Roadways within, or impacted by traffic from, Mixed Use Centers: LOS E
- All County collectors other roadways in Urban Neighborhoods: LOS E
- Special Transportation Areas: LOS E or determined in accordance with provisions of the Comprehensive Plan
- Facilities parallel to exclusive or facilities: LOS E
- Physically/Policy constrained facilities: Not degrade more than 20% below applicable standard
- All County Arterial Roadways within designated Transportation Concurrency Exception Areas: LOS F

Exhibit TRA: Generalized Maximum Service Volumes for County Arterial and Collector Roadways shows maximum service volumes for urban arterial and collectors roadways

parking and showers as parts of Interlocal Agreements or other instruments, pursuant to Policy IGC 8.2;

- Roadway design standards to establish streets that emphasize the safe movement of pedestrians, bicyclists and transit circulation;
- Revised parking standards, including reduced parking requirements for transit supportive uses and provisions for shared parking;
- Transportation mitigation for development and redevelopment projects through CRA funding for improvements to bicycle, pedestrian and transit systems, including sidewalks;
- Recommended additional mobility improvements and funding sources; and
- Operation by the CRA or other mechanism identified in the updated CRA Plan of a ride share or ride matching program, pursuant to Policy IGC 8.2

Policy TRA 2.1.18 Transportation Concurrency Exception Area (TCEA) Designated by State Law: Long-term Strategies to Support and Fund Mobility.

By 2011, Seminole County and its cities shall develop, adopt into their comprehensive plans, and shall implement, long term strategies that support and fund multi-modal mobility facilities for major development/redevelopment corridors and mixed use centers within that portion of the County designated as a TCEA and depicted on Exhibit TRA: Dense Urban Area/Transportation Concurrency Exception Area. The strategy shall be developed through the use of public input workshops that involve interested residents, property and business owners, and commuters who work in Seminole County. Orange County and the City of Maitland shall also be invited to participate in developing the strategy, in order to ensure regional coordination. The corridors that shall be included in the mobility strategy, in addition to the TCEA approved in 2008 for the US 17-92 Community Redevelopment Area (CRA) corridor, shall include:

- State Road 46 (urban portions);
- Lake Mary Boulevard,
- State Road 434; and
- State Road 436.

Mixed use and redeveloping centers that may be included in this strategy include, at a minimum:

- County seat/ Sanford Central Business District Community Redevelopment Area;
- Altamonte Springs Uptown Altamonte, including Cranes Roost and Altamonte Mall;
- Casselberry Central Business District;
- Fern Park
- Lake Mary Central Business District;
- Oviedo Marketplace;
- Winter Springs Town Center; and
- Future transit-oriented developments serving major transportation facilities

The strategy shall examine the creation of variable method transportation areas that may establish area-specific levels of service for public transit, bicycle facilities and pedestrian facilities and establish methods of funding same. The strategy shall also identify appropriate



land use mixtures, performance frameworks, funding and Land Development Code amendments necessary to support the mobility strategy.

~~Policy TRA 2.1.18 Transportation Concurrency Exceptions for Specified Infill Developments Meeting Standards within the Land Development Code~~

~~The Seminole County Board of Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The unintended consequence of the transportation concurrency requirement in such instances is the redirection of infill growth or redevelopment from the urban area to Rural Areas or areas with environmentally sensitive lands, thereby discouraging urban infill development, urban revitalization and urban redevelopment. Consequently, this policy provides for exceptions from the transportation concurrency requirements of the Comprehensive Plan and Land Development Code (LDC), in compliance with the requirements specified by the LDC. The proposed project must be, at a minimum:~~

- ~~1. Consistent with the Seminole County Comprehensive Plan;~~
- ~~2. Compatible with surrounding land uses; and~~
- ~~3.1. Related to and supportive of the provision of public transit, including commuter rail.~~



The County will schedule public hearings in the manner as with a request for future land use amendment and rezoning. The Board of County Commissioners, at a public hearing, may either:

- a Find the existing zoning classification appropriate and adopt a compatible future land use designation; or
- b Find the existing zoning classification inappropriate and adopt a zoning classification compatible with the future land use designation; or
- c Find the existing future land use designation and zoning classification inappropriate and adopt a future land use designation and zoning classification compatible with surrounding uses.

Reduction of Nonconforming Zonings

Nonconforming zonings exist where a lot or parcel of land is assigned a zoning classification that is less intense than the future land use designation assigned to the lot or parcel and the zoning classification does not result in compatibility conflicts with surrounding land uses. An existing lot or parcel with an R-1A (Single-Family Dwelling District) zoning classification, within an existing Office future land use designation, is an example of a nonconforming zoning. Nonconforming zonings may continue until the lot or parcel is developed and/or redeveloped, at which time the lot or parcel must be rezoned to an allowable and compatible zoning classification within the existing future land use designation. These lots and/or parcels do not reflect an inconsistency between the Comprehensive Plan and the County's land development regulations.

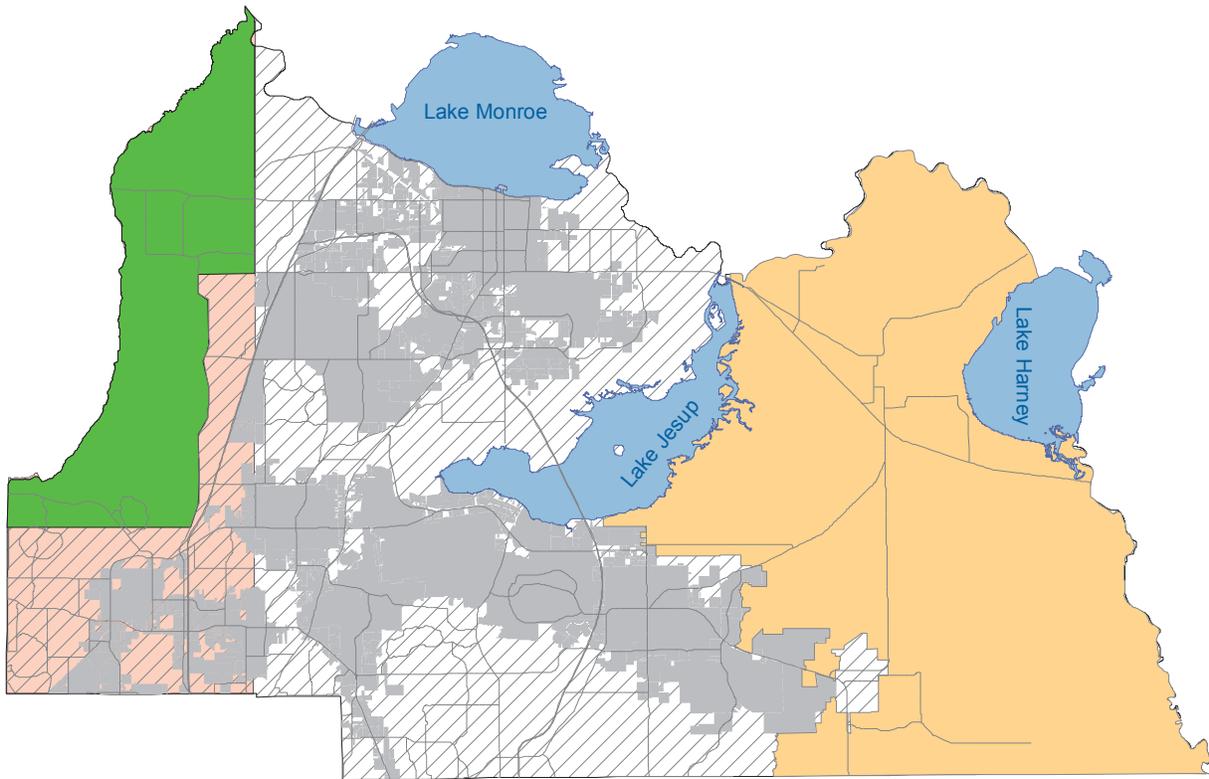
The County shall reduce nonconforming zonings through the following procedure:

- A Identify the lot or parcel on the Future Land Use Map and Zoning Map where a nonconforming zoning exists.
- B Administer the following procedures for establishing consistency:
 - A Lots or parcels where the zoning classification assigned to the lot or parcel is less intense than the future land use designation assigned to the lot or parcel, development/redevelopment of the lot or parcel under its current zoning classification shall not be permitted.
 - B Lots or parcels assigned the Higher Intensity Planned Development, or any other nonresidential future land use designation with an existing A-1 (Agriculture) zoning classification, are entitled to a building permit for a single family residence consistent with requirements of the A-1 (Agriculture) zoning classification. However, these lots or parcels cannot be subdivided for developed as single-family, detached residential uses.
 - C Lots or parcels may be brought into conformity with the Comprehensive Plan through property owner initiated rezonings or administrative rezonings to an allowable and compatible zoning classification prior to site development/redevelopment.
 - D Lots or parcels within the Suburban Estates future land use designation where the existing zoning classification and use is for mobile homes under the RM-1 or RM-2 (Single-Family Mobile Home Residential and Single-Family Mobile Home Park Districts) zoning classifications will be designated in the Comprehensive Plan as nonconforming zonings and the existing use and zoning classification will be permitted to continue until the existing use is discontinued or abandoned. These lots or parcels cannot be developed or redeveloped under the existing zoning classification to expand or maintain an incompatible use. Although technically a nonconforming zoning, the existing use will be considered consistent with the Comprehensive Plan insomuch as the current property owner/user has a potentially vested property right in continuing the existing use of the property as limited herein and subject to divestiture.

requirements_ through the proportionate fair-share program, as provided by Section 163.3180(16),F.S., the County must add the transportation improvement or improvements to the five_year Capital Improvements Program (CIP) and five year Schedule of Capital Improvements within the County's Comprehensive Plan Capital Improvements Element (CIE) at the next regular update of those documents.

- b. The five-year Schedule of Capital Improvements must include both necessary facilities to maintain the adopted level of service standards to service new development proposed to be permitted, and the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the five year period under the County's Schedule of Capital Improvements in this Comprehensive Plan.
- c. The County uses a realistic, financially feasible funding system based on currently available revenue sources as defined in Chapter 9J-5.003(29), Florida Administrative Code, including any funds generated through the proportionate fair-share option as provided in Section 163.3180(16), F.S. and determined according to the methodology included in the Land Development Code in accordance with Section 163.3180(12), F.S. The revenues must be adequate to fund the public facilities required to serve the development authorized by the development order or development permit, and which public facilities are included in the five year Schedule of Capital Improvements in this Comprehensive Plan, or, in the case of a transportation project to be funded through the proportionate fair-share program as provided by Section 163.3180(16), F.S., the improvement is added to the five-year Schedule of Capital Improvements at the next regular update of those documents.
- d. The five year Schedule of Capital Improvements in this Comprehensive Plan must include the estimated date of commencement of actual construction and the estimated date of project completion.
- e. The five year Schedule of Capital Improvements in this Comprehensive Plan must demonstrate that the actual construction of the roads and mass transit facilities are scheduled to commence in or before the third year of the five-year Schedule of Capital Improvements.
- f. An amendment to this Comprehensive Plan is required to eliminate, defer, or delay construction of any road or mass transit facility needed to maintain the adopted level of service standard and is listed in the five-year Schedule of Capital Improvements in this Comprehensive Plan.
- g. The County shall continue to enforce land development regulations, which, in conjunction with the Capital Improvements Element, ensure issuance of development orders and permits in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development.
- h. The County shall continue to enforce a monitoring system which determines whether the County is adhering to the adopted level of service standards and the Schedule of Capital Improvements in this Comprehensive Plan, and which demonstrates the County's capability of monitoring the availability of public facilities.

Dense Urban Land Area Transportation Concurrency Exception Area



5
Miles

LEGEND



-  Rural Charter Area
-  Wekiva River Protection Area
-  City Dense Urban Land Areas (DULAs) - TCEAs
-  County Dense Urban Land Area (DULA) - TCEA
-  Wekiva Study Area

NOTE: That portion of the DULA Area within the Wekiva Study Area is NOT exempt from DRI requirements.

(TRA - Effective date of information: 08/2009)

**RESPONSE TO SENATE BILL 360
CLARIFICATION OF SIMULTANEOUS PROCESSING OF LAND
USE/REZONING GROUP OF AMENDMENTS**



Services and Facilities:

This land use requires a full range of urban services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).

Special Provisions:

- A Development Intensity: To maximize the use of land designated for higher intensity uses and to prevent sprawl or scattered development of higher intensity uses into adjacent residential areas, minimum permissible building height and land use density requirements shall be enforced.
- B Compatibility: Special area development plans including standards and options for "stepping down" building heights and transitioning of land uses (e.g., gradual reduction of intensities and uses) are required to minimize visual and noise impacts on adjacent residential developments. Performance standards shall be provided in the Land Development Code.
- C Agricultural Lands: Parcels of land currently used for agricultural purposes, developed parcels or parcels which had site plan approval prior to December 8, 1987, shall be deemed to be compatible with and further the goals, policies, provisions, densities, intensities, and land uses provided for in this Plan.
- D Requirements for Parcels Approved Before December 8, 1987: For parcels of land which were developed or had site plan approval prior to December 8, 1987, under zoning classifications other than the permitted zonings shown in Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications, additions to existing structures shall be permitted without undergoing a rezoning. However, to adequately address impacts of development, the following procedures will be used:
 - 1 Development applications shall be forwarded to the appropriate staff for review and to propose conditions for infrastructure improvements (e.g., road, drainage, water and sewer plans) to adequately serve the project and conditions for Comprehensive Plan compliance.
 - 2 Conditions may be imposed as part of the permit approval. Applicable Land Development Code appeal procedures are available.
- E Development within this Future Land Use Designation Requires Rezoning: Plan amendments to Higher Intensity Planned Development will require a future rezoning to enable a HIP development to proceed. If a must be accompanied by a rezoning request is submitted simultaneously with a plan amendment, the following conditions shall apply: (a) the plan amendment shall be accompanied by data and analysis supporting the ability of the County and/or other service providers to meet service demands at the maximum density and/or intensity allowable by the future land use designation, regardless of the density or intensity of a proposed rezoning; (b) the proposed rezoning shall be processed as a separate case with a separate staff analysis; (c) an approval of a rezoning shall not become effective until 22 days after publication of an unchallenged Notification of Intent to Find the Future Land Use amendment In Compliance by the State Department of Community Affairs (Department); and (d) a preliminary master plan/site plan is a required submission with the rezoning application which would then become a condition of zoning approval; said preliminary plan shall provide sufficient detail to demonstrate compliance with the performance standards contained in this section of the Seminole County Comprehensive Plan (Plan) and standards implementing the policies of the Plan as provided for in the Land Development Code.
- F Development Phasing: Development of the phases of a mixed use development must be timed concurrent with facility capacity to ensure the provision of adequate public services according to adopted standards (see Exhibit FLU: Services and Facilities By Classification) and facility plans. Each phase must be self-sufficient on a cumulative basis in case subsequent phases are delayed or abandoned.
- G Access within the Development: High intensity planned developments shall be designed to have safe and plentiful ways for vehicles, bicycles and pedestrians to travel between and among the several uses and activities if developed as a mixed use development. Sidewalks, cross access easements, connected parking lots, and other similar means of providing full internal access are typical components.



- F Medium density residential uses and lower intensity office uses may only be located adjacent to existing subdivisions as a buffer for the existing subdivisions from future target industry development if such development provides adequate areas on the development site to buffer the residential uses from future target industry development; and
- G Public elementary schools, public middle schools and public high schools.
- H This land use provides for a variety of business and industry development having the following characteristics:
 - 1 Basic industry providing goods and services to markets outside the region;
 - 2 High growth potential industries such as information based businesses, headquarters and health care; and
 - 3 Business and industry providing high average annual wages, high property tax potential, high value added, and economic multiplier effects.

The ultimate specific business and industry types within these areas are subject to economic cycles and the timing of individual property owners(s) proposals and therefore should not be specifically designated on the *Exhibit FLU: Future Land Use Map*. Rather, these areas should remain flexible in terms of future uses while ensuring that the uses developed can meet particular standards for facility capacity and land use compatibility.

Zoning:

Zoning classifications allowed in this land use designation are presented in *Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications*.

Services and Facilities:

This land use requires a full range of urban services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).

Special Provisions:

- A Development Intensities: The County shall apply the maximum development intensities in *Exhibit FLU: Future Land Use Designations and Zoning Classifications* and the "Purpose and Intent" Statement of this Section as a guide to HIP-Target Industry development. The criteria for establishing appropriate intensities includes compatibility with surrounding existing and planned uses, adequacy of existing and programmed public services and facilities, economic development objectives, and consistency with the Plan and site characteristics.
- B Compatibility: Special area development plans including, but not limited to, standards and options for "stepping down" building heights and transitioning land uses (e.g., gradual reduction of intensities and uses) are required to minimize visual and noise impacts on adjacent residential developments.
- C Agricultural Lands: Parcels of land currently used for agricultural purposes, developed parcels or parcels which had site plan approval prior to December 8, 1987, shall be deemed to be compatible with and further the goals, policies, provisions, densities, intensities, and land uses provided for in this Plan.
- D Requirements for Parcels Approved Before December 8, 1987: For parcels of land which were developed or had site plan approval prior to December 8, 1987, under zoning classifications other than the permitted zonings shown in Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications, additions to existing structures shall be permitted without undergoing a rezoning. However, to adequately address impacts of development, the following procedures will be used:



- 1 Development applications shall be forwarded to the appropriate staff for review and to propose conditions for infrastructure improvements (e.g., road, drainage, water and sewer plans) to adequately serve the project and conditions for Comprehensive Plan compliance.
 - 2 Conditions may be imposed as part of the permit approval. Applicable Land Development Code appeal procedures are available.
- E Development within this Future Land Use Designation Requires Rezoning: Plan amendments to Higher Intensity Planned Development will require a future rezoning to enable a HIP development to proceed. If a must be accompanied by a rezoning request is submitted simultaneously with a plan amendment, the following conditions shall apply: (a) the plan amendment shall be accompanied by data and analysis supporting the ability of the County and/or other service providers to meet serve demands at the maximum density and/or intensity allowable by the future land use designation, regardless of the density or intensity of a proposed rezoning; (b) the proposed rezoning shall be processed as a separate case with a separate staff analysis; (c) an approval of a rezoning shall not become effective until 22 days after publication of an unchallenged Notification of Intent to Find the Future Land Use amendment In Compliance by the State Land Planning Agency; and (d) and preliminary master plan/site plan is a required submission with the rezoning application , which would then become a condition of zoning approval; said preliminary plan shall provide sufficient detail to demonstrate compliance with the performance framework contained in this section of the Seminole County Comprehensive Plan (Plan) and regulations implementing the policies of the Plan, as provided for in the Land Development Code.
- F Development Phasing: Development of the phases of a mixed use development must be timed concurrent with facility capacity to ensure the provision of adequate public services according to adopted standards (see *Exhibit FLU: Services and Facilities By Classification*) and facility plans. Each phase must be self-sufficient on a cumulative basis in case subsequent phases are delayed or abandoned.
- G Access within the Development: High intensity planned developments shall be designed to have safe and plentiful ways for vehicles, bicycles and pedestrians to travel between and among the several uses and activities if developed as a mixed use development. Sidewalks, cross access easements, connected parking lots, and other similar means of providing full internal access are typical components.
- H Access to Adjacent Developments: If developed as a mixed use development, high intensity planned developments shall provide access for vehicles, bicycles and pedestrians throughout the site and from the mixed use development to adjacent activities and uses for ease of travel and reduction of trips on main thoroughfares. Access to residential neighborhoods shall be designed to prevent cut-through traffic and intrusion of adverse impacts. Design concepts shall include a roadway design for mixed use areas that does not adversely impact established residential areas.
- I Shared Facilities: High intensity planned developments developed as mixed use developments are intended to offer advantages of integrated infrastructure (e.g., shared parking, stormwater facilities and signage, etc.) to reduce costs, reduce the provision of excess facilities and improve visual appearance.
- J Special Services: Higher intensity development may require special services such as aerial fire equipment, transit facilities and effluent re-use to meet public safety needs and to offset facility capacity impacts.

Higher Intensity Planned Development (HIP)- Airport

Purpose and Intent:

The purpose and intent of this land use designated is to ensure a land use pattern surrounding the Orlando Sanford International Airport that is supportive of the Airport in compliance with Section 163.3177(6)(j)(7), Florida Statutes , and that takes advantage of the presence of the Airport as an economic engine. The maximum density and intensity permitted in this HIP designation is 30 dwelling units per net buildable acre and Floor Area Ratio of 1.0. This land use is designated along major expressway, collector, and arterial roadway corridors, and interchange areas where location factors and higher land values tend to attract higher intensity development and



Zoning:

Zoning classifications allowed in this land use designation are presented in *Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications*.

Services and Facilities:

- A This land use requires a full range of urban services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).
- B In addition to development phasing concurrent with major public roadway improvements, the following provisions are required to maintain roadway capacity and minimize traffic congestion for area residents and through travelers:
 - 1 Dedication of necessary right-of-way and substantial private investment for interchange ramps, intersection improvements, signalization deficit correction, and feeder road improvements.
 - 2 Use of pedestrian and mass transit facilities to reduce vehicle trips within interchange areas and trips along feeder roads.

Special Provisions:

- A Development within this Future Land Use Designation Requires Rezoning: Plan amendments to Higher Intensity Planned Development will require a future rezoning to enable a HIP development to proceed. If ~~must be accompanied by~~ a rezoning request is submitted simultaneously with a plan amendment, the following conditions shall apply: (a) the plan amendment shall be accompanied by data and analysis supporting the ability of the County and/or other service providers to meet service demands at the maximum density and/or intensity allowable by the future land use designation, regardless of the density or intensity of a proposed rezoning; (b) the proposed rezoning shall be processed as a separate case with a separate staff analysis; (c) an approval of a rezoning shall not become effective until 22 days after publication of an unchallenged Notification of Intent to Find the Future Land Use amendment In Compliance by the State Land Planning Agency ; and (d) a preliminary master plan/site plan is a required submission with the rezoning application which would then become a condition of zoning approval; said preliminary plan shall provide sufficient detail to demonstrate compliance with the performance framework contained in this section of the Seminole County Comprehensive Plan (Plan) and regulations implementing the policies of the Plan as provided for in the Land Development Code.
- B Requirements for Parcels Approved Before December 8, 1987: For parcels of land which were developed or had site plan approval prior to December 8, 1987, under zoning classifications other than the permitted zonings shown in *Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications*, additions to existing structures shall be permitted without undergoing a rezoning. However, to adequately address impacts of development, the following procedures will be used:
 - 1 Development applications shall be forwarded to the appropriate staff for review and to propose conditions for infrastructure improvements (e.g., road, drainage, water and sewer plans) to adequately serve the project and conditions for Comprehensive Plan compliance.
 - 2 Conditions may be imposed as part of the permit approval. The Land Development Code shall include appeal procedures.
- C Development Phasing: Development of the phases of a mixed use development must be timed concurrent with facility capacity to ensure the provision of adequate public services according to adopted standards (see *Exhibit FLU: Services and Facilities By Classification*) and facility plans. Each phase must be self-sufficient on a cumulative basis in case subsequent phases are delayed or abandoned.
- D Access within the Development: Higher intensity planned developments shall be designed to have safe and plentiful ways for vehicles, bicycles and pedestrians to travel between and among the several uses and

**CLARIFYING THE SEMINOLE COUNTY PROCESSES
GROUP OF AMENDMENTS**



EVALUATION AND APPRAISAL REPORTS

Local governments must complete an Evaluation and Appraisal Reports (EAR) every seven (7) years, as required by Part II, Chapter 163, Florida Statutes. The EAR functions as an audit of the successes and shortcomings of the Plan and provides opportunities to identify needed Plan amendments. The 2006 EAR includes an evaluation and assessment of the County's Comprehensive Plan in the following major areas:

- A Evaluation of Major Issues identified during the EAR;
- B Countywide assessment and overview regarding population data and trends; changes in land area, summaries of vacant and developable land; and relevant trends that reveal the County's existing conditions and future directions;
- C Financial feasibility of implementing the Plan;
- D Location of development in relation to the location of development anticipated in the Plan;
- E Relevant changes in Growth Management Laws and Administrative Codes since the last EAR;
- F An assessment of the achievements of Plan Objectives, as related to major issues;
- G Brief assessment of the successes and shortcomings of the Objectives of each Plan element;
- H Special topics as may be required from time-to-time;
- I Identification of any actions or corrective measures needed for the Plan, including whether Plan amendments are anticipated to address major issues identified in the EAR;
- J Summary of the public participation program and activities undertaken in preparing the EAR;
- K Coordination of the Comprehensive Plan with existing public schools;
- L The extent to which Seminole County has been successful in identifying alternative water supply projects and traditional water supply projects;
- M The extent to which the Concurrency Management System has achieved its purpose; and
- N Recommended changes to update the Plan, and possibly the Land Development Code.

Preparation and adoption of the EAR must follow similar procedures as for adoption of the Comprehensive Plan.

ANNUAL CAPITAL IMPROVEMENTS ELEMENT UPDATES

The Capital Improvements Element identifies the need for public facilities, level of service standards, cost of facilities, revenue sources, and a schedule for funding and construction of improvements for a five (5) year period. An annual review and update of this Element is coordinated with the County's annual budget process, as required by Chapter 163, Florida Statutes.

COMPREHENSIVE PLAN UPDATES/AMENDMENT ADOPTION PROCESSES

Major updates to the County's Comprehensive Plan may result from recommendations contained in the Evaluation and Appraisal Report. ~~However, t~~The County, ~~from time-to-time~~, may also adopt administratively initiated amendments (Small and Large Future Land Use Map Amendments or Text Amendments) to the Plan, most often associated with changes in legislation or changes in County needs, redevelopment and growth trends. Future Land Use Map amendments may also be adopted in response to applications submitted by property owners.

Large scale amendments are defined as all text amendments that are not directly connected to a map amendment, and Future Land Use Map amendments affecting more than 10 acres of land, or increasing residential densities to greater than 10 units per acre.



SEMINOLE COUNTY COMPREHENSIVE PLAN

The amendment process is as follows:

- A The Planning and Zoning Commission, serving as Local Land Planning Agency (LPA), shall hold the initial public hearing after publication of the first advertisement for public hearing pursuant to requirements of State Law. The LPA may recommend transmittal, transmittal with amendments or denial of transmittal of an amendment.
- B The Board of County Commissioners shall hold a second public hearing for transmittal after publication of advertisement for public hearing pursuant to requirements of State Law. If approved for transmittal, the amendment proceeds to the State Land Planning Agency and all required review agencies. Seminole County may request the issuance of an Objections, Recommendations and Comments (ORC) report, or request that the review not be conducted, but the decision will be made by the State Land Planning Agency
- C Review agencies send comments to the State Land Planning Agency within 30 days of a ruling by the State Land Planning Agency that the application is complete.
- D Within 35 days of receiving a complete amendment application, the State Land Planning Agency notifies Seminole County if there will be a full review (ORC). The ORC must be issued within 60 days of receiving the complete amendment application.
- E Within 60 days of receiving an Objections, Recommendations and Comments (ORC) report (or 120 days if the amendment is based on an Evaluation and Appraisal Report), Seminole County shall adopt, adopt with revisions to address issues in the ORC, or deny an amendment.
- F If the County adopts the amendment, the amendment must be resubmitted to the State Land Planning Agency within 10 days.
- G If the amendment was not reviewed in detail (an ORC report was not issued); or there were no objections in an ORC report that was issued and the County adopts the amendment with no additional changes, the State Land Planning Agency issues its Notice of Intent (NOI) to find the amendment is compliance with State Law within 20 days of receiving the adopted amendment. An affected party then has 21 days to challenge the finding. An affected party challenge results in an Administrative Hearing.
- H If the amendment was reviewed in detail and objections were raised (an ORC report was issued) or the County adopts the amendment with changes, the State Land Planning Agency may issue its NOI within 45 days or may issue a 'Not In Compliance' finding. If the State Land Planning Agency issues the NOI, an affected party has 21 days to challenge the finding. If a 'Not In Compliance' finding is issued, an Administrative Hearing is scheduled. Administrative Hearings result in final orders regarding the amendment.

Small scale amendments are not reviewed for compliance by the State Land Planning Agency unless an affected party requests a review, or the State Land Planning Agency questions the findings of the local government. The steps for small scale amendments include the required public notification and local public hearings at both the LPA and the Board of County Commissioners, followed by submission of adopted amendments to the State Land Planning Agency and the East Central Regional Planning Council.

LAND DEVELOPMENT CODE UPDATES

Major updates to the County's Land Development Code (LDC) often result from recommendations within the EAR or the Comprehensive Plan itself. The County may also amend the LDC to address new legislation or provide standards, procedures, or minimum requirements that protect the health, safety, and general welfare of the citizens of Seminole County.

Several Elements of the Plan recommend changes to the County's Land Development Code to implement the goals, objectives and policies of the Plan. These policies may or may not provide a target completion date.



During 2009, ~~t~~The County is ~~revising proceeding with a major "overhaul"~~ of the existing LDC for the following purposes of:

- A Creating a user friendly and more easily understandable LDC;
- B Providing a link between regulations of common subject matter within the LDC;
- C Providing a link between the LDC and the County's Comprehensive Plan;
- ~~C~~D Addressing changes recommended by the 2006 Evaluation and Appraisal Report (EAR); and
- ~~D~~ Providing a link between the LDC and the County's Integrated Network (SCI.Net) program; and
- E Modernizing the standards, regulations, and provisions of the LDC

FUTURE LAND USE MAP AMENDMENTS UPDATES

Property owners may initiate Future Land Use Map amendments in accordance with policies and procedures established by the Board of County Commissioners for small and large scale Plan amendments. The procedure for processing Future Land Use Map amendments for properties located within that portion of the County that is eligible for the Alternate State Review Process established under subsection 163.32465, Florida Statutes varies from the procedure followed for those portions of the County contained within areas designated as rural, as noted above. The County may also initiate Future Land Use Map amendments (administrative updates) to the Plan. Part II, Chapter 163, Florida Statutes (F.S.), establishes procedures and criteria (generally described in *Exhibit IMP: Requirements for Plan Amendments and Plan Updates*) for each type of amendment. All applicants requesting Future Land Use Map amendments must submit data and analysis demonstrating that the proposed amendment is consistent with the Goals, Objectives and Policies of the Seminole County Comprehensive Plan and will not create an internal inconsistency within the Plan that violates State Law. The minimum standards that must be met by an applicant submitting a proposed amendment to the Future Land Use Map include the following:

- A Documentation supporting the finding that the proposed land use change will not require a change in the adopted Level of Service for potable water, or that projects contained within the capital budget of a non-Seminole County service provider, or the adopted Capital Improvements Element of the Seminole County Comprehensive Plan will ensure that the Level of Service will not be reduced by the proposed amendment and that service could be available upon demand.
- B Documentation supporting the finding that the proposed land use change will not require a change in the adopted Level of Service for sanitary sewer service (wastewater), or that projects contained within the capital budget of a non-Seminole County service provider, or the adopted Capital Improvements Element of the Seminole County Comprehensive Plan will ensure that the Level of Service will not be reduced by the proposed amendment and that service could be available upon demand.
- C Documentation supporting the finding that the proposed land use change will not require a change in the adopted Level of Service for drainage (stormwater management), or that projects contained within the capital budget of a non-Seminole County service provider, or the adopted Capital Improvements Element of the Seminole County Comprehensive Plan will ensure that the Level of Service will not be reduced by the proposed amendment.
- D Documentation supporting the finding that the proposed land use change will not require a change in the adopted Level of Service for solid waste, or that projects contained within the adopted Capital Improvements Element of the Seminole County Comprehensive Plan will ensure that the Level of Service will not be reduced by the proposed amendment and that service could be available upon demand.
- E Documentation supporting the finding that the proposed land use change will not require a change in the adopted Level of Service for open space and recreation, or that projects contained within adopted



Capital Improvements Element of the Seminole County Comprehensive Plan will ensure that the Level of Service will not be reduced by the proposed amendment and that service could be available within one year after issuance of a certificate of occupancy for residential uses.

- F A traffic study documenting the anticipated impacts on Levels of Service of the roadway network, public transit, and other mobility modes serving the site of the proposed amendment, and any projects contained within the first five years of the Capital Improvements Element of the Seminole County Comprehensive Plan that would address impacts.
- G Documentation from the Seminole County School District attesting to the fact that the proposed land use amendment would not create a negative impact on adopted Levels of Service for school facilities that would serve the amendment, if the amendment involves an increase in residential density.
- H For amendments proposed within the Environmentally Sensitive Lands Overlay (ESLO), the Wekiva River Protection Area, the Wekiva Study Area, the Econlockhatchee River Protection Area and the East Rural Area, documentation of how the amendment supports and is consistent with the Goals, Objectives and Policies of these areas.

The County is not obligated to treat a proposed future land use designation amendment as a small scale development amendment solely on the basis that it meets the criteria of Section 163.3187, (F.S.) regarding amount of acreage involved or proposed density. The County shall process proposed Future Land Use Map amendments in the method it deems most beneficial to the County. The County may also initiate Future Land Use Map amendments (administratively initiated amendments) to the Plan.

Administratively Initiated Land Use Amendments Updates

Administrative Amendments Updates may occur when there is a need for a land use change based on protection of special areas and natural resources (e.g., the Wekiva River Protection Area), special growth areas (e.g., North I-4 Target Industry Area), at the direction of the Board of County Commissioners, or based on the results of an Evaluation and Appraisal Report. The County may also initiate perform amendments to reflect updates whenever there are major changes or new information regarding planning legislation, development trends, and facility improvements.

The County may prepare a special area study from time-to-time to address a special issue. Special areas studies prepared for approved by the Board since 2001 include the Myrtle Street Area Urban Conservation Village Study (2003) and the Rural Character Plan (2006). Special area studies may or may not generate administratively initiated Future Land Use map amendments.

If administrative amendments are needed, ~~the~~ County would may initiate consider administrative amendments concurrent with one of the twice yearly large scale amendment cycles using the same similar procedures for adoption of the Plan.

FUTURE LAND USE MAP MAINTENANCE UPDATES

The County maintains the Official Future Land Use Map in digital format. The boundaries of the various land use designations are contained in the Future Land Use Map. This map is routinely updated as the Board of County Commissioners adopts future land use amendments to the Comprehensive Plan. The Clerk to the Board of County Commissioners keeps the official copy of the Future Land Use Map.

The Comprehensive Plan includes a full color Future Land Use Map depicting each of the adopted future land use designations, which is updated and republished at least every two (2) years. During the interim, changes in future land use are depicted on the Seminole County Property Appraiser's Internet web page and included with the Plan's Future Land Use Map amendment

FUTURE LAND USE ELEMENT PLAN AMENDMENT STANDARDS OF REVIEW

The Seminole County Comprehensive Plan is designed to preserve and enhance the public health, safety, and welfare through the management of growth, the provision of adequate public services and the protection of natural resources. These purposes are accomplished by the legislative establishment of goals, objectives, and policies that are designed to guide the future growth and development of lands within the unincorporated portions of Seminole County.

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the County and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the *Exhibit FLU: Future Land Use Map* by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any Countywide impacts or any significant areawide impacts of the proposed amendment including, but not limited to, the affect of the land use change on either the internal consistency or fiscal structure of the Plan.

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the four (4) major categories of Plan policies as follows:

- A Programs: Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.
- B Regulations: The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan.
- C Development Policies: Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.
- D Coordination: Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

STANDARDS OF REVIEW - CATEGORY I

To the extent that an application for a Plan amendment asserts, and County staff agrees, based upon the analysis of the proposal considering the matters set forth herein, that the proposed Plan amendment for a small area, such as a "small scale" amendment (less than 10 acres, and, if residential, fewer than 10 units per acre) or a /single parcel, has predominantly localized impacts which would only require a review emphasizing local area compatibility more than regional or statewide impacts. ~~an individual site compatibility analysis, the amendment application may be evaluated consistent with the requirements for a quasi-judicial review. This review would be site specific and shall include an evaluation of the following criteria:~~ However, applicants submitting either small scale or large scale amendments shall address these criteria, and staff shall evaluate the material submitted by the applicant:



- A Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.
- B Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.
- C Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.
- D Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).
- E Whether the proposed future land use is compatible with existing surrounding development and future land uses in accordance with FLU Exhibit: Compatible Transitional Land Uses. in terms of community impacts and adopted design standards of the Land Development Code.
- F Whether the proposed use furthers the public interest by providing or enabling the provision of :
 - 1 Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site (applicable to PD Future Land Use);
 - 2 Dedications or contributions in excess of Land Development Code requirements (applicable to PD Future Land Use);
 - 3 A range of obtainable housing opportunities and choices, including affordable or workforce housing;
 - 4 Economic development (enabling higher paying jobs);
 - 5 Reduction in transportation impacts on areawide roads;
 - 6 Mass transit and a variety of transportation choices; or
 - 7 Whether the proposed land use designation is consistent with any other applicable Plan policies, and supports and is consistent with the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan. (Applicant shall cite applicable Goals, Objectives or Policies.)

STANDARDS OF REVIEW -- CATEGORY II

Land Use Densities/Intensities and Allowable Zoning Classifications

All land use designations, zoning classifications and resulting development shall be consistent with the standards set forth in *Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications*, except as specifically set forth in this Plan.

Optional Land Use Designations

The Board of County Commissioners may determine that a land use designation other than the designation requested by the applicant is appropriate. Examples of optional land use designations to the designation applied for are set forth in *Exhibit FLU: Optional Land Use Designations*.

Services and Facilities/~~Internal Consistency of the Comprehensive Plan Concurrency~~

Minimum facilities needed to support a land use designation amendment shall be those defined in *Exhibit FLU: Services and Facilities By Classification* and shall be subject to the requirement of section 163.3177(2), Florida Statutes that coordination of the elements of the local comprehensive plan shall be a major objective of the planning process. Accordingly, applicants for Future Land Use amendment shall submit data and analyses as summarized below. The analyses shall document the fact that the proposed amendment will not cause internal inconsistency within the Seminole County Comprehensive Plan by lowering the adopted levels of service ~~Concurrency Management Standards and provisions~~ contained in the Capital Improvements and Implementation Elements of this Plan.

State/Federal Agency Review

Proposed amendments shall be forwarded to appropriate State agencies (and Federal agencies when appropriate) for review and comment on projects located adjacent to State or Federally owned lands, within any area subject to special provisions of law or upon request of the State or Federal agency.

Data and Analysis

The following data and analysis shall be provided by the applicant as part of the application package to provide adequate time for review by staff and appropriate agencies:

- A Any application for a Plan amendment within an area affected by a special law, such as the Wekiva River Protection Act, must contain a statement of consistency with the provisions of law rendered by the appropriate agency or, if the appropriate agency will not or can-not issue such a statement, the application shall provide sufficient competent evidence to demonstrate consistency with the special provisions of law.
- B Proposed amendments to the Planned Development ~~or Higher Intensity Planned Development~~ future land use designation must be accompanied ~~by with~~ a complete rezoning application (including associated master/site plan). The plan amendment application shall be accompanied by data and analysis supporting the ability of service providers to meet service demands at the density or intensity desired by the rezoning application. An approval of a rezoning shall not become effective until 22 days after publication of an unchallenged Notification of Intent by the State Land Planning Agency. The rezoning application shall be evaluated during the transmittal and adoption hearings relating to the Plan amendment application. For rezoning applications made by property owners, the public hearing for the rezoning may be held concurrently with the adoption of the Plan amendment. In so much as State law requires two (2) public hearings for administratively initiated rezonings, the adoption hearing for the Plan amendment application may serve as the first public hearing on the rezoning application. If State law were to be amended, public hearings may be held in accordance with State law.
- C Traffic studies shall be required to identify the ability of the roadway network and other transportation facilities to accommodate the land use with the existing or programmed network, near-site improvements, project phasing, etc. for all regular (large scale) amendments. Such studies may also be required for small scale amendments where roadways are constrained and public transportation limited.
- D Student generation analysis, based on the student generation rate factors of the Seminole County School District, shall be provided by an applicant seeking an increase in density.
- E Water demand calculations based on adopted levels of service as provided by the water service provider shall be provided by an applicant seeking increases in density and/or intensity of land uses.
- F For an amendment proposed to redesignate land that allows employment to a residential only designation: the potential impact of the proposed amendment on the County's jobs-to-housing balance shall be calculated by the applicant, measured as a ratio between total County employment divided by total allowable housing units (according to statistics available from METROPLAN ORLANDO), plus those proposed by the land use change). As of 2008, the Seminole County jobs-housing ratio is 1.29. If the calculation results in the County ratio falling below a minimum standard of 1.0 jobs per housing unit, the County may recommend an alternative course of action, such as a change of land use to the Mixed Development Future Land Use designation, rather than a Residential Future Land Use designation.
- G Wetlands mitigation plans, where disruption greater than that permitted by the LDC is anticipated to occur, and documentation regarding viability of said mitigation plans from the appropriate agency that has jurisdiction over any impacted regional wetlands.

Amendments to Existing Planned Development Sites

The following standards apply when determining whether a Plan amendment is required for new development proposals on previously approved Planned Development sites:

**OTHER IMPORTANT UPDATES
GROUP OF AMENDMENTS**

- L Absence or presence of overhead powerlines or their presence on only one side of the street with lateral crossings underground;
- M Location and design of signage;
- N Location and design of street lights; and
- O 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 "minor roadway system" means Florida Avenue, Lockwood Road, Lake Mills Road/Brumley Road that "loops" Lake Mills, [Snowhill Road \(formerly Chuluota Bypass\)](#), Lake Geneva Road, 1st Street, Lake Harney Road, Old Mims Road/Jungle Road, south of State Road 46, Osceola Road, and Mullet Lake Park Road.

Policy FLU 11.9 Rural Roadway System Level of Service Standards

The County has adopted rural roadway level of service standards. The major and minor roadway system in the Rural Area currently consists of two (2) lane facilities. County Road 419 west of the [Snowhill Road \(formerly Chuluota Bypass\)](#) is the only segment programmed for a four (4) lane improvement. The other roads are not expected to require, nor are they planned to receive, capacity improvements over the 20 year planning period. The County shall discourage additional roadway capacity expansions and proceed to regulate these facilities consistent with the East Seminole County Scenic Corridor Overlay District requirements.

Policy FLU 11.10 Methods of Providing Potable Water Outside of the Adopted Urban Service Area (as depicted in *Exhibit FLU: Special Area Boundaries*)

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

- A Continue to rely primarily upon individual wells as the method of providing potable water to the residents and other occupants outside the urban service area;
- B Encourage private central systems that exist as of the adopting 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; and
- 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 clearly and convincingly demonstrated by the proponents of the system expansion 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 concurrent with an areawide administrative land use update.

Policy FLU 11.11 Methods of Providing Sanitary Sewer Outside of the Adopted Urban Service Area (as depicted in *Exhibit FLU: Special Area Boundaries*)

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;



- 1 Regulating development ~~within adjacent to~~ the River ~~basin~~ in accordance with ~~Policy FLU 1.9 and Policy FLU 1.10~~ ~~the Environmentally Sensitive Lands Overlay~~ (see Policy FLU 1.3);
 - 2 ~~Continuing to regulate~~ ~~Regulating~~ development adjacent to the Econlockhatchee River in accordance with the Econlockhatchee River Protection Overlay Standards Classification, ~~which implements Policy FLU 1.10~~;
 - 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); 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.

B Black Hammock Plat

The County shall provide that lots originally recorded or platted as five (5) acres and/or 10 acres in size in the old Black Hammock Plat that have been reduced in size by the amount of land dedicated to public road rights-of-way, shall be considered as five (5) acre and/or 10 acre lots for purposes of land use consistency and dwelling unit yield determination. For example, a lot that was originally platted as a 10 acre lot that now contains only 9.17 acres because, and solely because, land from the original lot was dedicated to a public road right-of-way, will be considered a 10-acre lot; five (5) acre lot, and multiples of five (5) acre lots, similarly reduced, will be treated likewise.

C Existing Conditions

It is the intent of the County to guide the future development and use of the Rural Area as depicted in *Exhibit FLU: Special Area Boundaries*. For the purposes of the lands within the Rural Area (including Suburban Estates, Rural-3, Rural-5 and Rural-10 land use designations) structures existing as of the adoption date of the

1991 Comprehensive Plan shall be permitted to be rebuilt in the event of a natural disaster or act of God or be otherwise improved as long as the gross density of residential property or intensity of nonresidential property is not increased and/or the



- A Single-family detached residences, patio homes, duplexes, multiple-family units, mobile home parks/manufactured housing parks and factory built modular units at a maximum density of 10 dwelling units per net buildable acre;
- B Conversion of existing residential units to residential professional offices;
- C Public elementary schools, public middle schools and public high schools; and
- D Special exception uses such as group homes, houses of worship , day care, guest cottages, home occupation, public utilities and publicly owned parks and recreational areas.

Services and Facilities:

This land use requires a full range of services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).

Special Provisions:

- A Multi-family developments require the provision of on-site amenities including active recreation areas, usable open space and pedestrian walkways as a component of development design. On-site transit facilities (e.g. bus shelters and bays) may be required on a site specific basis.
- B Clustering of residential units to preserve environmentally sensitive areas above and beyond current Land Development Code requirements and/or to provide sites for schools, recreation and other public facilities is permitted under the PUD zoning classification. To maintain compatibility with surrounding land uses, the density of clustered units is limited to a maximum density of 10 units per net buildable acre.
- C Residential dwelling units may be permitted up to a density of 12 dwelling units per net buildable acre in compliance with the provisions of Policy FLU 10.1

High Density Residential

Purpose and Intent:

The purpose and intent of this land uses designation is to provide for a range of residential development at a maximum density of 20 dwelling units per net buildable acre. High density residential development should be located adjacent to major collectors and arterial roadways to minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities. This land use can act as an effective transitional use between nonresidential and Medium Density Residential uses.

Uses:

- A Condominiums, townhouses, apartment hotels, boarding and lodging houses, and motels;
- B Public elementary schools, public middle schools and public high schools; and
- C Special exception uses such as houses of worship , utilities, group homes, hospitals, convalescent and nursing homes, and accessory office uses.

Services and Facilities:

This land use requires a full range of urban services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).

Special Provisions:

- A High density developments require maximum lot coverage, minimum open space, recreation, pedestrian walkways and transit facility requirements to enhance the living environment of residents and to provide convenient access to area schools, shopping and recreational facilities. On-site transit facilities (e.g. bus shelters and bays) may be required on a site specific basis.



- B Clustering of residential units to preserve environmentally sensitive areas above and beyond current Land Development Code requirements and/or to provide sites for schools, recreation and other public facilities is permitted under the PUD zoning classification.
- C Increased building heights up to 60 feet may be allowed where compatible with adjacent uses to minimize urban sprawl.
- ~~D Residential densities may be permitted up to a maximum of twenty-two (22) dwelling units per net buildable acres in compliance with the provisions of Policy FLU-10.1.~~

Special Services:

Higher intensity development may require special services such as aerial fire equipment, transit facilities and effluent re-use to meet public safety needs and offset facility capacity impacts.

**IMPLEMENTATION ELEMENT
CONCURRENCY MANAGEMENT SYSTEM
OBJECTIVES AND POLICIES**

OBJECTIVE IMP 1 ESTABLISH LEVEL OF SERVICE STANDARDS

The County shall continue to enforce standards for levels of service for Categories I, II, ~~and III~~ of public facilities, and shall apply the standards as set forth defined in the policies below.

Policy IMP 1.1 Concurrency (Category I)

The standards for levels of service of each type of public facility in Category I shall apply to development orders issued by the County after March 31, 1992, , the County's annual budgets beginning with the 1991-92 fiscal year, the County's Capital Improvement Programs beginning with the 1991-92 fiscal year, and other Elements of this Comprehensive Plan.

~~**Policy IMP 1.2 Non-Concurrency Facilities Operated by County (Category II)**~~

~~The standards for levels of service of each type of public facility in Category II shall apply to the County's annual budgets beginning with the 1991-92 fiscal year, and the County's Capital Improvements Programs beginning with the 1991-92 fiscal year, but shall not apply to development orders issued by the County.~~

Policy IMP 1.23 Concurrency Facilities Operated by Non-County Entities (Category III)

The standards for levels of service of each type of public facility in Category III shall apply to development orders issued by the County after March 31, 1992, , and other Elements of this Comprehensive Plan, but shall not apply to the County's annual budgets or the County's Capital Improvement Programs. The exception shall be that levels of service for public schools shall apply to development orders issued by the County after January 1, 2008.



OBJECTIVE IMP 2 DETERMINATION OF CAPACITY

The County shall continue to determine the availability of facility capacity to meet adopted level of service standards of the several County public facilities prior to development approvals.

Policy IMP 2.1 Establishment of Concurrency Doctrine

The Board of County Commissioners of Seminole County finds that the impacts of development on public facilities within the County occur at the same time (i.e., concurrently) as development authorized by certain final development orders or development permits.

Policy IMP 2.2 Concurrency Management System Implementation

The County shall determine, prior to the issuance of development orders, whether or not there is sufficient capacity of Category I and Category III public facilities to meet the standards for levels of service for existing and committed development and the impacts of proposed development concurrent with the proposed development, including in such determination for transportation improvement capacity any additional capacity to be financed through the proportionate fair-share Program. The methodology to calculate proportionate fair-share mitigation, which is specified in the Land Development Code, shall be as provided in Section 163.3180(12), Florida Statutes (F.S.) and in accordance with Section 163.3180(16), F.S. Proportionate fair-share mitigation includes separately or collectively, private funds, contributions of land, and construction and contribution of facilities, and may include public funds as determined by Seminole County. Mitigation for development impacts to facilities on the Strategic Intermodal System, as required by Section 163.3180(16)(e), F.S., and the Land Development Code, requires concurrence of the Department of Transportation.

Policy IMP 2.3 Maintain Adopted Level Of Service Standards

The County shall not issue a final development order or development permit under which development activity impacting public facilities may ensue unless there shall be sufficient capacity of Category I and Category III public facilities to meet the standards for levels of service for existing development and for the proposed development, and the development order or permit shall be subject to the requirements of Policy IMP 2.5. In the absence of a final development order under which development activity impacting public facilities may ensue or a development permit, no development of land is authorized.

Policy IMP 2.4 Preliminary Development Orders (Capacity Determination)

For preliminary and final development orders for which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows:

- A The applicant may request a determination of such capacity as part of review and approval of the development order subject to the requirements of Policy IMP 2.5; or
- B The applicant may elect to request approval of the development order without a determination of capacity of Category I and Category III public facilities provided that any such order is issued subject to requirements in the applicable land development regulation or to specific conditions contained in the development order that:
 - 1 Final development orders under which development activity impacting public facilities may ensue, and development permits for the subject property are subject to a determination of capacity of Category I and Category III public facilities, as required by Policy IMP 2.5.



**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JUNE 3, 2009**

Members present: Matthew Brown, Walt Eismann, Melanie Chase, Kimberly Day and Dudley Bates.

Members absent: Ben Tucker and Rob Wolf

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Sheryl Stolzenberg, Principal Coordinator; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

F. Amendments to the Text of the Seminole County Comprehensive Plan, Seminole County, applicant: Amendments to the following Elements of the Seminole County Comprehensive Plan; Conservation (09S.TXT01), Drainage (09S.TXT02), Future Land Use (09S.TXT03), Implementation (09S.TXT04), Introduction (09S.TXT05), Recreation and Open Space (09S.TXT06) and Transportation (09S.TXT07).

Countywide
Sheryl Stolzenberg, Principal Coordinator

Sheryl Stolzenberg, Principal Coordinator – briefed the Commissioners on the proposed text amendments to the Comprehensive Plan that Staff is requesting to be transmitted to DCA.

Commissioner Brown – discussed the issue of adding language regarding no permit being issued unless the road is in the designated exception area, which according to the definition, means to make everything non-rural in the exception area.

Ms. Stolzenberg – advised that the non-rural party of the County is part of transportation concurrency exception and will require us to come up with a mobility strategy and what will be appropriate for each area.

Commissioner Brown – will we be looking at intermodal and other forms of transportation?

Ms. Stolzenberg – yes.

Commissioner Bates made a motion to approve transmittal of the requested Text Amendments.

Commissioner Brown seconded the motion.

The motion passed unanimously 5 – 0.