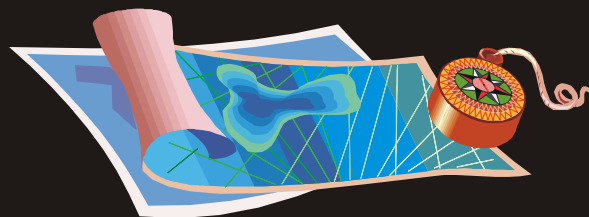


IMPLEMENTATION ELEMENT

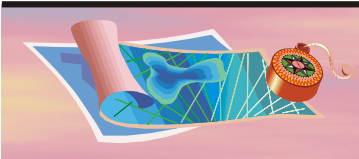
- Introduction
- Issues and Concerns
- Goals, Objectives and Policies
- Exhibits



VISION 2020



IMPLEMENTATION



Vision 2020 Comprehensive Plan Seminole County, Florida

IMPLEMENTATION ELEMENT INTRODUCTION

The Vision 2020 Comprehensive Plan includes the following statutorily required and optional Elements:

Capital Improvements	Intergovernmental Coordination
Conservation	Library Services (optional)
Design (optional)	Potable Water
Drainage	Public Safety (optional)
Economic (optional and to be updated in 2002)	Recreation and Open Space (optional)
Future Land Use	Sanitary Sewer
Housing	Solid Waste
Implementation (optional)	Transportation

Plan Elements are supported by the best available data and analysis from County, regional, state, federal, and other units of local government and various agencies. Each Element of the Vision 2020 Comprehensive Plan contains goals (long-term achievements), objectives (events to achieve goals) and policies (specific actions to take in achieving objectives).

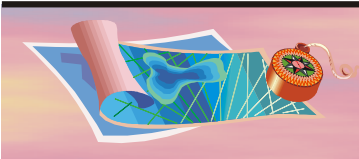
Seminole County adopted its first Comprehensive Plan to meet Rule 9J-5 requirements on September 11, 1991. As part of the early efforts to implement the plan in 1992, the County was required to identify nonconforming uses and zoning and conflicting zonings and every effort was made to bring these uses/zonings into compliance with the adopted Comprehensive Plan. An extensive search was completed on all parcels in unincorporated Seminole County to identify nonconforming uses and zonings and conflicting zonings and these were brought to the Board of County Commissioners' attention in advertised public hearings to rectify in accordance with the recommendations of the Comprehensive Plan. Since a thorough review of nonconforming uses/zonings and conflicting zonings was dealt with in 1992 and the County, to the best of its ability, has not created any additional nonconforming land uses or zonings or conflicting zonings, the County does not need to repeat this effort after final adoption of Vision 2020. Should a nonconforming use or rezoning or a conflicting zoning be discovered, the County will act accordingly to take steps to bring the land into conformity. Language directing how administrative land use amendments and rezonings to correct nonconforming parcels is included should the need arise.

As required by the adoption of the 1991 plan, the County has implemented a Concurrency Management System and this element describes how this system is carried out. The element also describes how public participation is to be addressed above and beyond the statutory requirements. This element also gives direction on how or when to accomplish other mandated plan programs to include preparation of future Evaluation and Appraisal Reports, annual Capital Improvement Element Updates, Land Development Code amendments for consistency to Vision 2020 and Future Land Use Amendments.



Vision 2020 Comprehensive Plan Seminole County, Florida





Vision 2020 Comprehensive Plan Seminole County, Florida

IMPLEMENTATION ELEMENT ACTIONS

The following actions represent how the Plan is implemented and fall into the four (4) major categories:

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

Continuing, revising or implementing new regulations for managing growth and protecting the environment.

Development Policies

Criteria and standards for when, where and how development is to occur. These policies are contained in the Future Land Use Element and in other Elements of the Plan.

Coordination

The Plan includes policies in the Intergovernmental Coordination Element and in other Elements of the Plan relating to how and to what extent the County will coordinate with other local, regional, state, and federal agencies.

Progress toward meeting the goals, objectives and policies is achieved through the implementation programs listed below. An explanation of these implementation programs follows.

- A Evaluation and Appraisal Reports
- B Capital Improvements Element Updates
- C Comprehensive Plan Land Development Code Updates
- D Future land Use Amendments
- E Interpretation of Future Land Use District Boundaries
- F Reduction of Nonconforming Uses and Conflicting Zonings
- G Public Participation
- H Concurrency Management System



Vision 2020 Comprehensive Plan Seminole County, Florida



EVALUATION AND APPRAISAL REPORTS

Evaluation and Appraisal Reports (EAR) are required pursuant to Part II, Chapter 163, Florida Statutes, and must be completed by the local government every seven (7) years and include the following major assessments:

- A Major problems of development, physical deterioration and the social and economic effects of land use locations;
- B The status of each Plan Element at the time of adoption of the Plan;
- C Plan objectives as compared with actual results;
- D The extent to which anticipated and unforeseen problems and opportunities occurred; and
- E Recommended changes to update the Plan.

The EAR must be prepared and adopted following similar procedures as for adoption of the Plan.

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 5-year period. This Element must be reviewed annually and coordinated with the County's annual budget process.

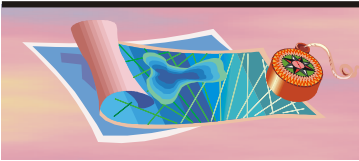
COMPREHENSIVE PLAN LAND DEVELOPMENT CODE UPDATES

Several Elements of the Vision 2020 Plan recommend proposed changes to the County's Land Development Code to further implement the goals, objectives and policies of the Plan. Proposed changes may be found in the policies of the Elements. These policies provide a target completion date.

FUTURE LAND USE AMENDMENTS

Proposed changes to the Future Land Use Element's Future Land Use Map may be initiated by a property owner(s) requests in accordance with policies and procedures established by the Board (small and large scale amendments) or by the County (administrative updates). The procedures and criteria for each type of amendment are those contained in Part II, Chapter 163, Florida Statutes, and are generally described in *Exhibit IMP: Requirements for Plan Amendments and Plan Updates*. The County is not obligated to treat a proposed land use designation amendment as a small scale amendment solely on the basis that it meets the criteria of Section 163.3187, Florida Statutes. The County shall process proposed land use designation amendments in the method it deems most beneficial to the County.





Vision 2020 Comprehensive Plan Seminole County, Florida

Administrative Updates

Administrative Updates may occur when a need has been identified 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), direction of the Board of County Commissioners or the results of an Evaluation and Appraisal Report. Updates may also be performed whenever there are major changes or new information regarding planning legislation, development trends and facility improvements.

These administrative amendments may be considered concurrent with one of the twice yearly large scale amendment cycles and follow similar procedures for adoption of the Plan.

Future Land Use Map Updates

The Official Future Land Use Map for Seminole County is maintained in digital format. The boundaries of the various land use designations are contained in the Future Land Use Map and a legend is also provided. This map is routinely updated as future land use amendments are adopted by the Board of County Commissioners. The official copy of the Future Land Use Map is kept with the Clerk to the Board of County Commissioners.

The Vision 2020 Plan includes a full color Future Land Use Map depicting each of the adopted future land use designations. It will be updated and republished at least every two years. During the interim, changes in future land use will be depicted on other maps which will be included with the Plan's Future Land Use Map package which will be available for purchase by the public at a reasonable cost. Future Land Use Maps will be printed at a legible scale as future land use amendments are adopted by the Board of County Commissioners.

(Revised: Amendment 04S.TXT04.1; Ordinance 2004-25, 06/08/2004)

INTERPRETATION OF FUTURE LAND USE DISTRICT BOUNDARIES

Except as otherwise specifically provided, the future land use designation symbol, or name shown within boundaries on the Future Land Use Map, indicates that the future land use designation pertaining to the land use extends through the whole area surrounded by the boundary line. Where uncertainty exists as to the boundaries of any future land use designation depicted on the Future Land Use Map, the following rules shall apply:

- A Where boundaries are indicated as approximately following street and alley lines, land lot lines, or military district lines, such line shall be construed to be the boundary.
- B In un-subdivided property or tracts, where a future land use designation boundary divides a tract, the location of such boundaries shall be determined by use of the dimensions appearing on the Future Land Use Map.
- C Where a public road, street or alley is officially vacated or abandoned, the future land use designation applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
- D Where boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or to the central lines of alley lines or alleys, or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and boundaries shall be determined by use of appropriate GIS tool(s) upon the Future Land Use Map.
- E When adjustments are made (demonstrating that certain properties are neither a wetland nor a flood prone area) the future land use designation of that property shall not be the Conservation future land use designation, but shall be the underlying future land use designation as shown in the Future Land Use Map. These adjustments shall include areas where mitigation or other regulatory devices that offset impacts allow encroachment into a wetland system or the 100-year floodplain.

(Revised: Amendment 04S.TXT04.2; Ordinance 2004-25, 06/08/2004)



Vision 2020 Comprehensive Plan Seminole County, Florida



REDUCTION OF NONCONFORMING USES AND ZONINGS

After adoption of the 1991 Comprehensive Plan, the County made every attempt to identify parcels in unincorporated Seminole County with a nonconforming land use or zoning or parcels with conflicting zonings in order to bring these parcels into conformity with the newly adopted Comprehensive Plan. Guidelines to accomplish the reduction of nonconforming uses or zonings and the elimination of conflicting zonings follows and these were used in 1992 in the administrative land uses changes and rezonings changes for conformity to the 1991 Comprehensive Plan. These guidelines are presented in the Implementation Element and should be followed should a nonconforming use or zoning or conflicting zoning be identified.

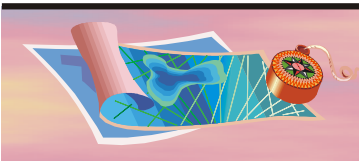
Reduction of Nonconforming Uses

A nonconforming use is defined as any existing use of a lot or parcel, at the time of adoption of the Plan, which does not conform to the requirements of the future land use designation depicted on the Future Land Use Map, and as fully set forth in the provisions of the Plan relating to that particular future land use designation. An existing commercial establishment located on a lot or parcel, which as been assigned a residential land use designation, is an example of a nonconforming land use. The existing zoning classification on these properties may or may not be consistent with the existing use of the lot or parcel.

The County shall reduce nonconforming uses through the following procedure:

- A Identify the lot or parcel on the Future Land Use Map and zoning atlas where a nonconforming use exists.
- B Notify the property owner(s) that the existing use of the property does not conform to the future land use designation assigned to the property; that any expansion of the existing use will not be permitted; and that should the existing use cease for a period of over one-hundred-and-eighty (180) days, the owner(s) will be notified that administrative procedures will be initiated by the County, which could result in rezoning of the property to an appropriate zoning classification.
- C To determine whether an existing property use has terminated for one-hundred-and-eighty (180) days or more, a procedure should be established by the Planning Division in conjunction with the Building Department and the Tax Collector's Occupational License Department to identify nonconforming use parcels when applications for building permits, rezonings, special exceptions, occupational licenses and similar permits or approvals are filed:
 - 1 Upon submitting an application for a rezoning, building permit, special exception, occupational license or similar permit or approval, the applicant/property owner will be informed of the nonconforming use and advised to contact the Planning Division.
 - 2 The Planning Division will provide the individual with an information sheet explaining nonconforming uses and the procedures for determining consistency with the Plan. The Planning Division will assist the property owner as much as possible, but will not give legal advice or serve as advisor or counsel to the property owner.





Vision 2020 Comprehensive Plan Seminole County, Florida

- 3 For those requests where it appears that the use has been discontinued for one-hundred-and-eighty days, evidence must be submitted by the applicant to demonstrate that the use has not been discontinued for such time period. Tax receipts, occupational licenses, adjacent property owners, affidavit, etc., may be used to support the applicant's case as evidence. If the applicant is unable to demonstrate a continued use, the application may be denied and the applicant shall be advised to contact the Planning Division for instructions regarding the proper method for establishing consistency with the Plan. Alternatives then available to the applicant are:
 - a File an application (waiver of fees is normally recommended), for an amendment to the Plan to change the future land use designation of the property; or
 - b If the applicant fails to act within ninety days, the Planning Division will initiate administrative rezoning procedures to resolve the conflict (where the parcel is assigned a conflicting zoning classification).

Elimination of Conflicting Zonings

A conflicting zoning exists where a lot or parcel of land is assigned an existing zoning classification which is more intense than the future land use designation assigned to the lot or parcel. An existing C-2 (Retail Commercial District) zoning classification within a Low Density Residential future land use designation, is an example of a conflicting zoning.

For conflicting zonings identified in the future, the County shall eliminate these conflicts through the following procedure:

- A Identify the lot or parcel on the Future Land Use Map and zoning atlas where a conflicting zoning exists.
- B Maintain the following procedures for establishing consistency:
 - 1 Notify the current property owner(s) of the existing zoning conflict and in conjunction with the next available Plan amendment cycle, the property owner may request a review of the future land use designation assigned to the lot or parcel and present evidence regarding the appropriateness of the existing zoning classification. The property owner(s) may file an application to amend the future land use designation and/or zoning classification (waiver of associated fees is normally recommended). Any requests to maintain the existing zoning must be filed with the County, in writing, and public hearings will be scheduled in the manner as with a request for rezoning. The Board of County Commissioners, at a public hearing, may either:
 - a Find the existing zoning classification appropriate and initiate a compatible amendment to the future land use designation; or
 - b Find the existing zoning classification inappropriate and initiate administrative rezoning of the property to a compatible zoning classification.

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 property and the lot parcel's zoning classification does not result in compatibility conflicts with surrounding land uses. An existing 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 are not considered to reflect an inconsistency between the Plan and the County's land development regulations.



Vision 2020 Comprehensive Plan Seminole County, Florida



For nonconforming zonings identified in the future, the County shall reduce these nonconformities through the following procedure:

- A Identify the lot or parcel on the Future Land Use Map and zoning atlas where a nonconforming zoning exists.
- B Maintain the following procedures for establishing consistency:
 - 1 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.
 - 2 Lots or parcels assigned the Higher Intensity Planned Development or any other non-residential future land use designation with the A-1 (Agriculture) zoning classification shall be entitled to be issued a building permit for a single family residence consistent with requirements of the A-1 zoning classification.
 - 3 Lots or parcels may be brought into conformity with the Plan through property owner initiated rezonings or administrative rezonings of the lots or parcels to an allowable and compatible zoning classification prior to site development/redevelopment.
 - 4 Lots or parcels within the Suburban Estates land use designation, but where the existing zoning and use is for mobile homes under the RM-1 or RM-2 zoning classification, these parcels will be designated in the 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 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 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.

PUBLIC PARTICIPATION

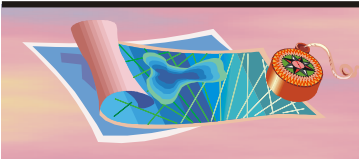
Purpose

Seminole County has, since the early 1970's, engaged in an active comprehensive planning process, which has involved diverse individuals and groups. The County's early involvement in comprehensive planning has resulted in a citizenry with a great deal of knowledge and valuable input with regard to planning issues. The purpose of these provisions is to continue to encourage public participation in the comprehensive planning process as well as related processes, and further the provisions of Section 163.3181, Florida Statutes, and Chapter 9J-5.004, Florida Administrative Code.

Openness

It shall be the policy of Seminole County to insure that all comprehensive planning and related matters occur in an open forum with public access and involvement. The County shall continue to rely upon appointed committees of Seminole County citizens as well as those involved in the affairs of the County to study various issues and make reports and recommendations to the County's Local Land Planning Agency and Board of County Commissioners.





Vision 2020 Comprehensive Plan Seminole County, Florida

It shall be the policy of the County to ensure that all comprehensive planning and related documents, reports, studies, agendas, minutes, etc., are made readily available to the public pursuant to Chapter 119, Florida Statutes, as well as other applicable laws, and that all meetings are open to the public consistent with the provisions of Chapters 119, 125 and 286, Florida statutes, as well as other applicable law. All background data, studies, surveys, economic assumptions, reports, analysis, inventory maps, and other documents which are used in the formulation of the Vision 2020 Comprehensive Plan, but are not adopted as part of the Plan, shall be compiled by the Planning Division into support documents. These documents shall be maintained as official public records and shall be available to the public for inspection. Copies of all public notices, proceedings of public hearings, written comments, objections and responses thereto, shall be collectively deemed to be supplementary materials to the Comprehensive Plan. Supplementary materials shall be kept with the adopted Comprehensive Plan as permanent public records and public documents, but they shall not have any legal effect under the provisions of Section 163.3194, Florida Statutes.

The Seminole County Planning Division staff, as well as all other appropriate Seminole County personnel, shall be made reasonably available to answer inquires and provide information to the public relating to comprehensive planning and related matters, as reasonably requested. Every effort shall be made to use graphic and textual materials that are easily understandable in order that the public can be effectively apprised as to the proposed actions and current provisions relating to comprehensive planning and related processes.

It shall be the policy of Seminole County to advertise and hold public hearings as required by State law (including but not limited to applicable Sections of Part II, Chapter 163 and Chapter 125.66, Florida Statutes, and to continue the County's current practice of publishing additional advertisements, which are not legally required, when it is determined by the Planning Manager that such additional advertisements would likely enhance public participation or otherwise significantly benefit the public. The applicant shall be responsible for all advertising costs associated with a Plan amendment application.

It shall be the policy of the County to post a notice of all public hearings, meetings or workshops of all boards, commissions, committees, etc., in the first floor lobby of the north and west wings of the Seminole County Services Building as well as other locations as directed by the Board of County Commissioners or the County Manager. It shall also be the policy of the County to provide such notices by mail to any citizen or group who requests to be on a mailing list. The notices shall contain, at a minimum, the date, time, place and general subject matter of the meeting. Failure to mail or post such notices shall not affect the validity of any actions taken at a public hearing, meeting or workshop, unless otherwise provided by law.

The County's policy of providing members of the news media with copies of agendas, notices, documents, etc., shall continue and the County shall continue its policy to provide news media personnel with the opportunity to report on the County's public business relating to comprehensive planning activities. Press releases may be distributed to the media periodically throughout the Comprehensive Plan amendment process and related processes to encourage the participation of the media in disseminating information relating to the Vision 2020 Comprehensive Plan and related matters.



Vision 2020 Comprehensive Plan Seminole County, Florida



The County shall continue its policy of incorporating citizens groups and organizations into the comprehensive planning process and related processes. These groups may include, but are not limited to, chambers of commerce, League of Women Voters, professional associations, homeowners associations and environmental groups.

To the maximum extent practicable, the general public shall be advised of comprehensive planning activities and related activities by means of mailouts to groups and citizens who request to be on a mailing list. Typical features of a mailout would be a progress report on the activities relating to an amendment of the Comprehensive Plan; announcement of public workshops or hearings; listings of planning documents available for public review and planning items of interest to the general public. As a general rule the County will require fourteen (14) days advance notice prior to an individual or group being placed on a mailing or distribution list.

During major Plan updates and during the Evaluation and Appraisal Report process, planning documents, reports and graphic displays may be made available at Seminole County public libraries and other public places located throughout the County, but shall be available in the County's Planning Division office. Proposed amendments to the Comprehensive Plan shall be available for public review at the location of each meeting or hearing at which the amendment is being considered.

It shall also be the policy of Seminole County that all Local Planning Agency and Board of County Commissioners public hearing agendas be located on the County's Internet web site. In addition, staff reports relating to amendments to this Plan shall also be located at the County's web site.

All records and documents relating to comprehensive planning and related processes shall be public records and copies shall be available to the public in accordance with the provisions of Chapter 119, Florida Statutes.

Public Comment

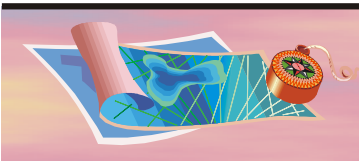
It shall be the policy of the County to encourage and accept oral/written public input at all public hearings and meetings. Oral public input may be accepted at workshops if appropriate under the circumstances. It shall be the policy of the County to encourage and accept written comments during the course of the comprehensive planning and related processes. The advertisements, if required to be otherwise published for all public hearings, meetings or workshops, will announce that oral/written comments will be accepted. In order to provide adequate time for inclusion of written comments in staff reports, etc., various time deadlines may be placed upon the submission of written comments; provided, however, that written comments that are submitted in an untimely manner will be submitted to the public record, but may not receive the same degree of consideration as those written comments that were submitted in a timely manner.

Public Hearing Procedures

Generally, the sequence of events regarding matters under consideration shall be as follows:

- A Announcement by the Chairman of the matter under consideration.
- B Presentation of staff reports/comments, if any, whether written or verbal. Written staff reports, if prepared, shall be provided to the board or commission and made available to the general public as soon as possible prior to the public hearing in order to provide for adequate review time prior to the hearing.





Vision 2020 Comprehensive Plan Seminole County, Florida

- C Presentation by the applicant of an amendment to the Comprehensive Plan.
- D Presentation by proponents and opponents of the proposed Plan amendment. All persons requesting to speak or submit written comments will be required to complete a speaker/written comments form, provided at the public hearing or meeting, to ensure order that accurate record of participants are maintained. Immediately prior to or at the start of the public hearing, the forms shall be collected and organized by issue or agenda item and delivered to the Chairman.
- E The Chairman may place a time limit on the comments of the proponents and opponents.
- F Rebuttal from the applicant.
- G Members of the board or commission may initiate to close public input except for direct questions.
- H Staff comments relative to public input, if requested by the board or commission.
- I Board/commission discussion, debate and approval, adoption, enactment, disapproval, rejection or denial as appropriate for the specific matter, by requisite vote prior to considering the next matter.
- J A continuance or adjournment.

These procedures set forth herein, as well as any other procedures adopted by the County, shall be posted at the place at which the public hearing will occur prior to the convening of the public hearing. The public shall be encouraged to be familiar with these procedures as well as any other procedures that may be adopted by the County.

The board or commission shall, insofar as practical, retain as part of the public hearing record each item of physical or documentary evidence presented and shall have the item marked to show the identity of the person offering the evidence and whether the evidence was presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained as public records. Evidence in the form of reports or other written documents should be submitted in advance of the public hearing as with other written comments in order to provide the board or commission and County staff and the public sufficient time to review the material. It shall be the burden of parties who desire to appeal decisions made at public hearing to provide a record and for such purpose, may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is based (Florida Statute 286.0105).

Notice to Property Owners

Notice to potentially affected property owners shall be accomplished by U.S. mail to all known owners of property within a three hundred foot (300') radius from the property under consideration at a public hearing. A list of such owners shall be taken from the latest ad valorem tax records in the Seminole County Property Appraiser's Office. Only one (1) notice per property owner will be required, which notice shall outline the planned hearing dates. It shall be the obligation of the property owner to be aware of continuances and hearing date changes. Future public hearing dates regarding the item will be announced at the hearing.



Vision 2020 Comprehensive Plan Seminole County, Florida



The applicant shall be responsible for all fees for public notices required by this section. Notice of a public hearing shall be given sufficiently in advance to provide adequate notice and shall contain, at a minimum, the following information:

- A The date, time and place of the public hearing.
- B A description sufficient to inform an interested party of the location of the property for which a Plan amendment, development order or other action is pending including, but not limited to one (1) of the following: a map, a postal address, a subdivision lot and block designation, a metes and bounds description, or the tax map designation of the County Property Appraiser.
- C The substance or nature of the issue being considered.

The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with these requirements for notice.

This provision shall not require mailed notices in those cases where the application is for a proposed change land uses encompassing in excess of five percent (5%) of the total land area of the County.

Additionally, whenever practicable as determined by the Planning Manager, a placard giving notice of the hearing shall be posted on properties under application. The placard shall be of a size and text determined by the Planning Division. The placard shall be posted in such a manner to be clearly visible from a public or private street, way, or place, preferably a collector or arterial road whenever possible. The placard shall be placed on the property at least fifteen (15) days prior to the scheduled public hearing. When a placard is required, failure to post such a placard shall not be cause for a hearing to be continued or reheld unless the Board of County Commissioners finds that the applicant conducted him/her/itself 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 postponed to a date certain before the hearing is legally convened, no new public notice shall be published unless directed by the Board of County Commissioners or an extended time, typically greater than sixty days, has lapsed since the advertisement and the rescheduled time the item is to be heard. If an application is postponed, but not to a date certain, then new notice shall be provided in accordance with this section at the expense of the applicant.

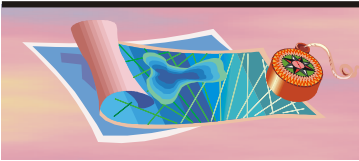
Proposed Amendments to the Comprehensive Plan

Amendments to the Comprehensive Plan in which changes to land use designations are proposed may be submitted by property owners or individuals who have appropriate legal interests in parcels of property. The applications shall be filed and processed in accordance with the provisions of this Plan and Part II, Chapter 163, Florida Statutes.

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 County code of ethics that may be adopted by the County.





Vision 2020 Comprehensive Plan Seminole County, Florida

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 are intended to ensure that the levels of service established in the Comprehensive Plan will be achieved or exceeded. Each implementation program has been adopted by ordinance, resolution or executive order, as appropriate for each implementation program.

Definitions

The following definitions apply (and are to be included in the adopted Comprehensive Plan's section containing defined terms):

- A "Category of public facilities" means a specific group of public facilities, as follows:
- 1 Concurrency Facilities Operated by County. Category I public facilities are arterial and collector roads, 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 the Vision 2020 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.
 - 2 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.
 - 3 Concurrency Facilities Operated by Non-County Entities. Category III public facilities are arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, and parks and recreation facilities owned or operated by federal, state, municipal or other county governments, independent districts, and private organizations.
- 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.
- 1 Preliminary development order" means a new land use designation to a parcel of real property, a planned commercial development preliminary master plan, a planned unit development preliminary master plan, the rezoning of a parcel of real property or a subdivision development plan.
 - 2 Final development order" means the approval of a development of regional impact, a borrow pit permit, an electrical permit, a planned commercial development final master plan, a planned unit development final master plan, a right-of-way utilization permit, a site plan, a special exception or variance, a subdivision preliminary plat, a subdivision final plat, an underground utility permit, a waiver to subdivision platting requirements, a dredge and fill permit, a 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 conditions which must be met in order for subsequent approvals to be given or permits to be issued.



Vision 2020 Comprehensive Plan

Seminole County, Florida



- 3 Development permit” means an arbor permit, a building permit, a construction permit-site, a construction permit-subdivision, a deck and porch permit, a plumbing permit, a razing permit, a septic repair permit, a septic tank permit, a sign permit and any other development approval other than a final development order or preliminary development order.
 - a 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, fire-rescue service, and other County buildings.

Land Development Regulations

The County shall maintain its land development regulations providing for a system of review of various applications for development orders and permits which applications, if granted, would impact the levels of service of Category I and Category III public facilities. Such system of review shall assure that no final development order or development permit shall be issued which results in a reduction in the levels of service below the standards adopted in the Comprehensive Plan for Category I and Category III public facilities.

The land development regulations address the circumstances under which public facilities may be provided by applicants for development orders or permits. Development orders and permits may be issued subject to the provision of public facilities by the applicant subject to each of the following requirements:

- A The County and the applicant enter into an enforceable development agreement which shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to ensure that the public facilities are completed concurrent with the impacts of the development, or the development will not be allowed to proceed; and
- B The public facilities to be provided by the applicant are contained in the Schedule of Capital Improvements of the Comprehensive Plan.

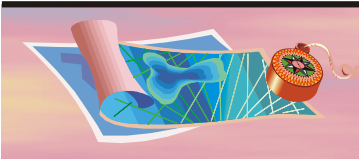
Concurrency Implementation and Monitoring System

The County shall continue Concurrency Implementation and Monitoring Systems consisting of the following components:

Public Facility Capacity Review

Each application for a development order or permit shall be analyzed for concurrency. Records shall be maintained during each fiscal year to indicate the cumulative impacts of all development orders approved during the fiscal year-to-date on the capacity of public facilities. The land development regulations of the County shall provide that applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the land development regulations. Such time period is in lieu of, and not in addition to, other minimum waiting periods imposed on applications for development orders that are denied for reasons other than lack of capacity of public facilities. Land development regulations shall require that development commence within a specified time after a development order is issued, or the determination of capacity shall expire, subject to reasonable extensions of time based on criteria included in the regulations.





Vision 2020 Comprehensive Plan Seminole County, Florida

Review of Changes in Planned Capacity of Public Facilities

The County shall review each amendment to the Capital Improvements Element, in particular any changes in standards for levels of service and changes in the Schedule of Capital Improvements, in order to review the amount of capacity that is available.

Concurrency Implementation Strategies

Standards for levels of service are applied according to the timing of the impacts of development on public facilities. Final development orders and development permits impact public facilities in a matter of months and are issued subject to the availability of water, sewer, solid waste, and stormwater management facilities prior to the impacts of the development. Parks must be under construction within one (1) year of the issuance of the development order or permit. Roads and mass transit must be included in the first three (3) years of the five-year capital improvements schedule, and the schedule must:

- A Be financially feasible based on currently available sources of revenue;
- B Include estimated dates of commencement and completion of actual construction;
- C Not be changed without an amendment to the Comprehensive Plan; and
- D Designate the areas to be served by facilities.

Preliminary development orders can be issued subject to public facility capacity, but the capacity determination expires unless the applicant provides financial assurances to the County and obtains subsequent development orders before the expiration of the initial development order. As an alternative, the determination of public facility capacity for preliminary development orders can be waived with a written agreement that a capacity determination must be made prior to issuance of any final development order or development permit for the subject property. Such a waiver specifically precludes the acquisition of rights to a final development order or permit as a result of the issuance of the preliminary development order (See Policy IMP 2.4).

Standards for levels of service are applied within appropriate geographical areas of the County. Standards for countywide public facilities are applied to development orders based on levels of service throughout the County. Standards for public facilities that serve less than the entire County are applied to development orders on the basis of levels of service within assigned service areas (See Objective IMP 3.0).

Public facility capital improvements are prioritized according to the criteria in the Capital Improvements Element. Applications for available capacity will be considered on a first-come, first-served basis.

The County shall review the Concurrency Implementation Strategies as part of each Evaluation and Appraisal Report cycle.

Capacity of Public Facilities for Development Orders or Permits Issued Prior to Adoption of the Plan

The County will identify properties, which have vested development rights pursuant to procedures contained in the land development regulations. Properties not identified by the County as having vested development rights may petition for a determination of such rights.

The County will recognize legitimate and substantial vested development rights obtained with some previously issued development orders or permits, provided the issuance was otherwise appropriate and not the result of mistake, error, fraud or an ultra vires act.



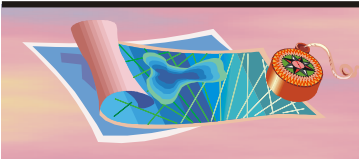
Vision 2020 Comprehensive Plan Seminole County, Florida



The County will reserve capacity of public facilities to serve the needs of properties with vested development rights. In the event that there is not sufficient capacity to serve the vested properties, the County will create a “lien” on future capacity of public facilities in order to serve the vested property at the adopted level of service standard before allowing non-vested property to use future public facility capacity. In such circumstances, the vested development will be allowed to commence in order to avoid a “taking” of the vested rights. The County shall require vested properties to commence development and to “continue in good faith” in order to maintain the “reservation” of capacity of public facilities which are provided by the County. Absent a commencement of development and good faith efforts to continue that development, the vesting shall lapse and be of no further force or effect. The County shall evaluate the timing and estimated density/intensity of vested properties on the basis of logical analysis and reasonable projections in order to phase the reservation of capacity to meet the probable needs of such properties. Experience indicates that many vested development orders and permits are not used to the maximum allowable uses, densities or intensities, or reach such development limits over extended periods of time. The primary mechanism for assigning or determining the phasing of capacity reservations for vested developments shall be the analysis of historical development data and trends included in the Future Land Use Element Support Document and other factors including, but not limited to, conditions included in individual development orders constraining the timing of development.

The County finds that it is not necessary to automatically “reserve” capacity of public facilities for non-vested development orders issued prior to the adoption of the Plan. Such development orders should be subject to the concurrency requirement. The County finds that the population forecasts that are the basis for this plan are a reasonable prediction of the absorption rate for development, and that the capital facilities which are planned to serve the forecast development are available for that absorption rate. Reserving public facility capacity for non-vested previously issued development orders would deny new applicants access to public facilities, and would arbitrarily enhance the value of dormant development orders and permits.





Vision 2020 Comprehensive Plan Seminole County, Florida

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**

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, or such earlier date as may be adopted by the County, 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 1.3 **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, or such earlier date as may be adopted by the County, and other elements of this Comprehensive Plan, but shall not apply to the County's annual budgets or the County's Capital Improvement Programs.



Vision 2020 Comprehensive Plan Seminole County, Florida



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 such 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.

Policy IMP 2.3 Maintain Adopted Level Of Service Standards

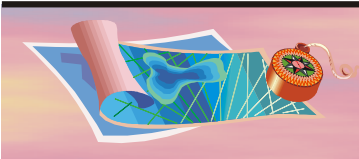
No final development order under which development activity impacting public facilities may ensue, or development permit, shall be issued by the County unless there shall be sufficient capacity of Category I and Category III public facilities to meet the standards for levels of service for existing development 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 the 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.





Vision 2020 Comprehensive Plan Seminole County, Florida

- 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, Sewer, Solid Waste, and Drainage:

- 1 The necessary facilities and services are in place at the time a development permit is issued; or
- 2 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 The necessary facilities are under construction at the time a development order or permit is issued; or
- 4 The necessary facilities are guaranteed in an enforceable development agreement meeting the requirements of the Concurrency Management System Rules of the Department of Community Affairs (Rule 9J-5). The agreement must guarantee that the necessary facilities will be in place when the impacts of the development occur.

B Parks and Recreation:

- 1 Any of the provisions of section A.1.-A.4. listed above for potable water, 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 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.



Vision 2020 Comprehensive Plan

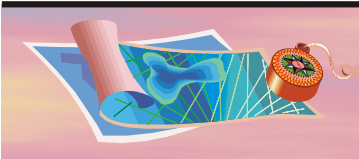
Seminole County, Florida



C Roads and Mass Transit:

- 1 Any of the provisions of section A.1.-A.4. listed above for potable water, sewer, solid waste and drainage; or
- 2 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 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, and may include transportation projects included in the first three (3) years of the applicable adopted Florida Department of Transportation five-year work program.
 - b The five-year Schedule of Capital Improvements must include both necessary facilities to maintain the adopted level of service standards to service the 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. 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.
 - 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 which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of improvements in this Comprehensive Plan.





Vision 2020 Comprehensive Plan Seminole County, Florida

- g The County shall continue to enforce land development regulations, which, in conjunction with the Capital Improvements Element, ensure that development orders and permits are issued 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.
- i This Vision 2020 Comprehensive Plan shall continue to clearly designate the areas within which facilities will be provided by the County with public funds in accordance with the five-year Capital Improvements Schedule of this Comprehensive Plan.

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 shall be 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 which are to be constructed by the County 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 be followed in the event that an applicant's pro rata share of a public facility is less than the full cost of the facility.

Policy IMP 2.9 Vested Rights

The County shall continue to enforce land development regulations that establish the criteria for determining the vested rights of previously issued development orders, and establishing the procedures for reserving capacity of public facilities needed to address the impacts of such vested development orders.



Vision 2020 Comprehensive Plan Seminole County, Florida



OBJECTIVE IMP 3 GEOGRAPHIC AREAS FOR DETERMINATION

The standards for levels of service of Category I and Category III public facilities shall be applied to the issuance of development orders on the geographical basis as described in the policies below.

Policy IMP 3.1 Arterial and Collector Roads

No development order or permit shall be issued in any unincorporated part of Seminole County 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: 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.

