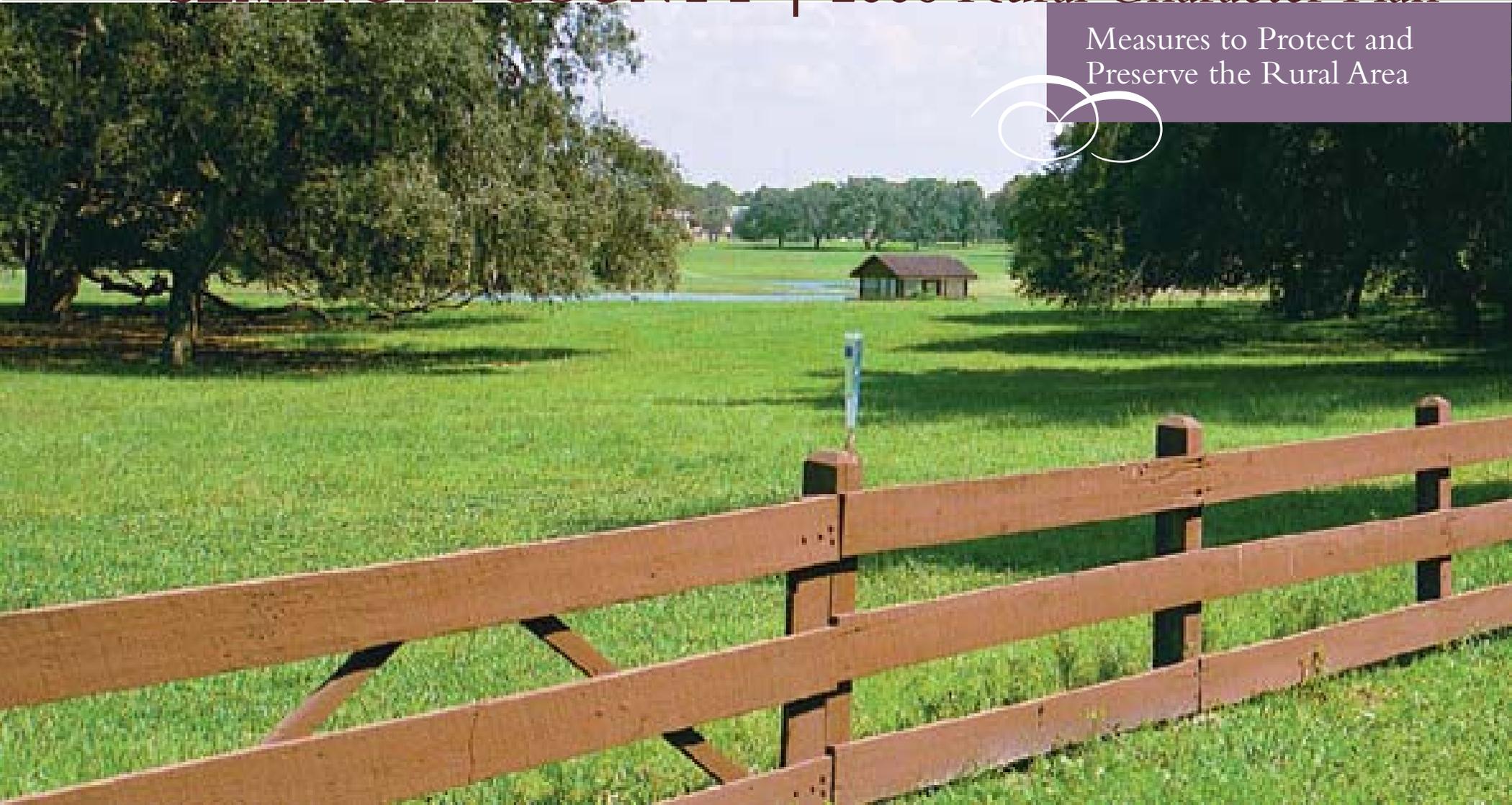




SEMINOLE COUNTY | 2006 *Rural Character Plan*

Measures to Protect and
Preserve the Rural Area





DEAR MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS:

Glatting Jackson Kercher Anglin Lopez Rinehart, Inc. has enjoyed the opportunity to work with your staff and the Seminole County community in developing a Rural Character Plan for this unique part of the County. The Seminole County 2006 Rural Character Plan represents a collaborative effort between the Seminole County Commission, the County staff, and the citizens that live and own property within the East Rural Area of Seminole County.

The Plan is designed to preserve the rural character of Seminole County's Rural Area consistent with the intent of the County's Comprehensive Plan. We believe that the Rural Area is not just an area absent urban development that awaits urbanization; but a rural area with residents and property owners that have specific needs and functions that are different than those of their urban counterparts.

Our overall recommendation is that the Rural Area should continue to be recognized as a long-term rural area, and that the area be planned and regulated as a rural area. We believe it is necessary for the County to implement and enforce policies and programs designed to preserve and reinforce the positive qualities of the rural lifestyle and protect rural communities and agricultural areas.

Our specific recommendations are:

- Define Transitional Areas and Policies to Protect the Rural Area
- Create Residential Development Standards for Rural Subdivisions (arrangement of lots, protection of rural viewshed)
- Develop a Rural Cluster Subdivision Provision
- Implement Rural Lighting and Rural Roadway Standards
- Explore the Development of a Transfer of Development Rights

Program for the Black Hammock Area

- Create New Policy to Support Protection of the Geneva Lens
- Protect Scenic Viewsheds through New Policy (for After-the-Fact Permits and/or Mitigation for Un-Permitted Tree Removal)
- Promote Partnerships to Support the Historic Character of Geneva

We have conducted extensive public involvement throughout the study effort, including four community workshops with the Rural Area community held in open community workshops as well as individual stakeholder interviews with residents of the Rural Area and elected officials. The issues and questions posed by the residents and the invaluable assistance of the planning staff have provided the foundation for our findings and recommendations. Special thanks to residents in the Rural Area and to the Seminole County staff for all of their input and thoughtful ideas.

We believe the results of our study and the effect of our recommendations will preserve the functional and aesthetic character of the Rural Area within Seminole County. On behalf of Glatting Jackson Kercher Anglin Lopez Rinehart, Inc., we appreciate the opportunity to assist in addressing the issues important to the preservation of this unique area.

Sincerely,

FRANCES CHANDLER-MARINO
Director of Regional Planning
Glatting Jackson Kercher Anglin Lopez Rinehart



SEMINOLE COUNTY | 2006 *Rural Character Plan*



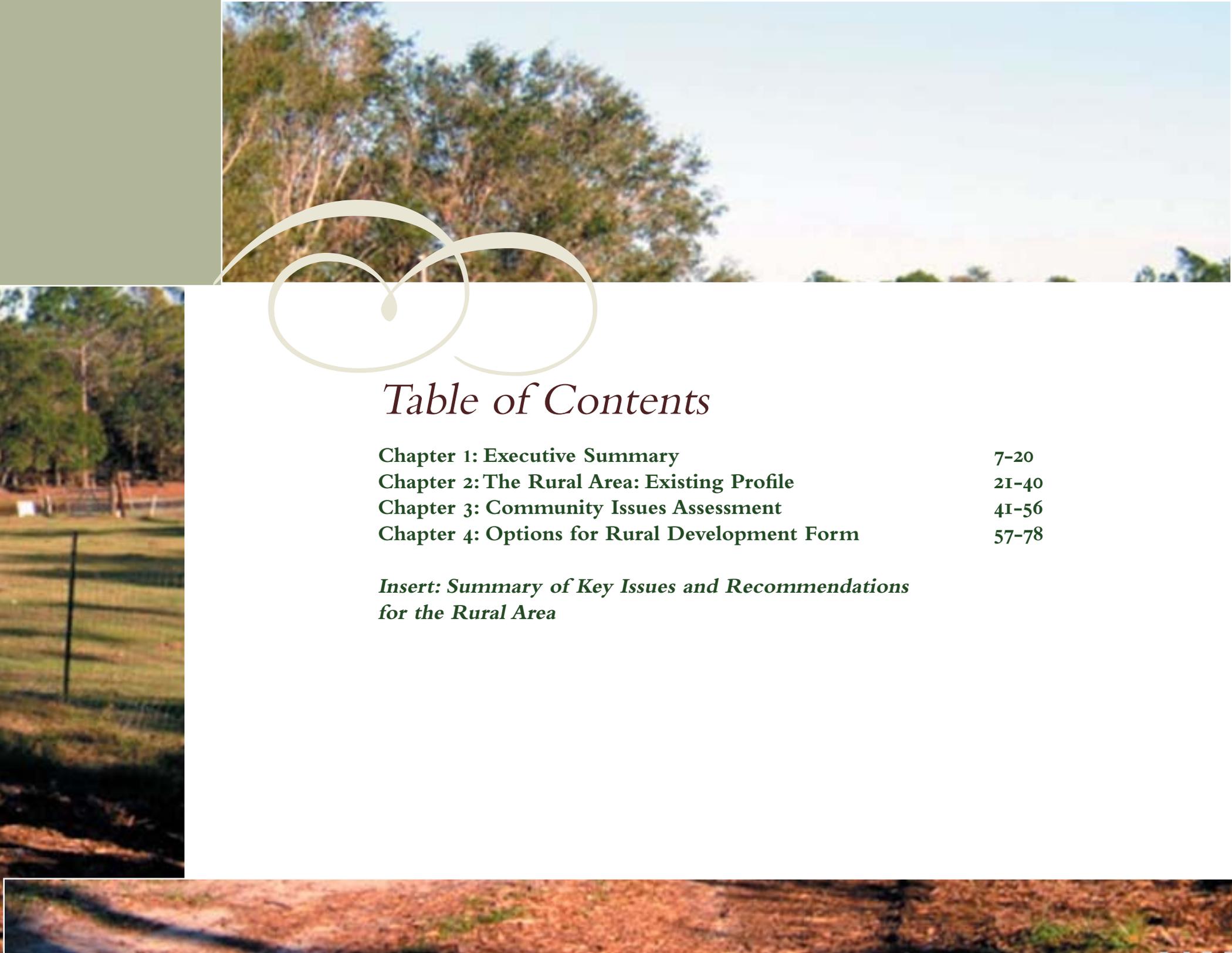


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***Insert: Summary of Key Issues and Recommendations
for the Rural Area***



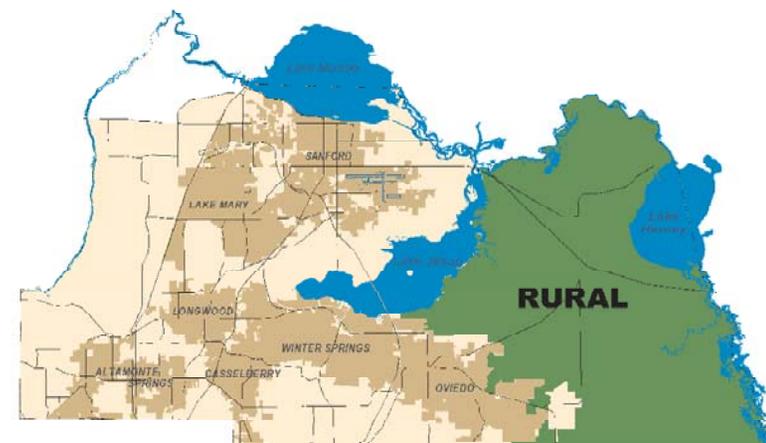
Study Purpose

The Seminole County 2006 Rural Character Plan represents a collaborative effort between the Seminole County Commission, the County staff and the citizens that live and own property within the East Rural Area of Seminole County. The County desired a proactive approach to this study effort that would include a meaningful analysis of current conditions, an identification of issues or concerns that might affect the continued preservation and protection of the Rural Area, an evaluation of existing comprehensive plan policies and land development regulations and ultimately, substantive recommendations for tools or strategies that would allow the County to continue to preserve the rural character and lifestyle of this area.

The highlight of this proactive approach is the community participation process, which was designed as a series of interactive events for residents, landowners and stakeholders to fully engage in the planning process. These activities included a photo safari which encouraged participants to take a random sampling of photographs to help them create a meaningful and presentable definition of community character for their area; a visioning exercise that asked participants to imagine that it is the year 2025, and that their community has been recognized as one of the “Top Ten Rural Communities” in the United States and to describe those community characteristics that helped to preserve and reinforce the rural character of this area; and an “editing” exercise that provided participants with the draft issues, strategies and actions in a summary table and asked them to “mark-up” the draft

with their recommended revisions, comments, or suggestions. These activities were conducted through a series of four community workshops and individual interviews with “stakeholders” that were specifically designated by the Board of County Commissioners. Without the effort and commitment of each individual and group of citizens that participated in this process, the final series of recommended strategies for the Rural Area could not have been possible.

This study endeavors to provide a balanced and thoughtful series of recommendations that are designed to maintain and protect the rural character of this area, while continuing to be sensitive to the needs and desires of large landowners that have been respected stewards of this land for generations.



Methods

Issue Identification

The course of study included public involvement through four community workshops, additional meetings with key rural area stakeholders, and elected officials. Of the numerous issues that were identified the following four primary objectives of this study were created that are now facing Seminole County's Rural Area.

1. Protect Boundaries of the Rural Area/Appropriate Transitioning
Growth continues to provide pressure along the Rural Boundary. Annexations from Winter Springs and Oviedo continue to create transitional problems from suburban settings into Seminole County's rural setting.

2. Options for Existing Agriculture/Large Landholdings
The community workshops produced concern over the long-term status of the few remaining large land-holdings existing in the Rural Area. There remain some agricultural uses in the Rural Area, but questions were raised regarding its long-term viability with pressure to develop.

3. Protect Open Spaces and Viewsheds
Seminole County enjoys a richness of natural resources, and the Rural Area remains an ecologically valuable component of a larger regional corridor. Some stakeholder concerns included future protection of the viewsheds along natural features, such as Lake Jesup, along with protection of environmentally significant areas in the Rural Area.

4. Protect Water Supply
Water supply is limited to the Geneva Lens in the northern extent of the Rural Area, and the Floridan aquifer within the remainder. Both resources are limited and questions have been raised as to the effect of growth over the last fifteen years on these resources, along with their carrying capacity.

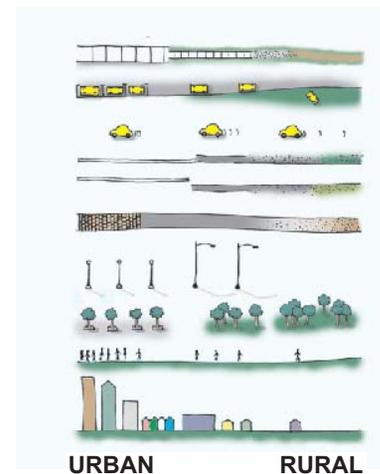
Analysis

Community Transition

The central issue identified throughout the Rural Area Study has been the creation of appropriate transitions from the existing rural subdivisions and character to the urbanizing areas adjacent to the Rural Boundary. There have been numerous attempts made to develop methods nationally for assisting communities in better defining transitional areas from one character to another. For this study, two important tools are used in identifying the transition areas for use in creating a strategy: the transect, and use of a design structure graphic.

The Transect

From a design perspective, a tool that is growing in popularity for helping to discern what is right and wrong for communities is called the "transect." A transect is simply a cross-section of the built environment ranging on a scale from urban to rural. For example, referring to the bottom of "The Transect" figure, in urban areas we would expect the heights of buildings to be taller in urban areas and then become lower as we move to rural areas.



The Transect

Moving up, the density of people in urban areas would be higher than those in rural areas. The transect for trees would involve regularly spaced trees in grates in urban areas, to less formal spacing and no grates, to natural forest in rural areas. Streetlights range from pedestrian scale lights that are evenly spaced, to high mast street lights, to no lights, as one goes from urban to rural.

Paving materials would range from bricks, to asphalt, to gravel, moving from urban to rural. Edge treatments would range from vertical curbs, to paved shoulders, to gravel shoulders, to grass shoulders, to natural edges. The speeds of motor vehicles, in urban areas, would be slow and then become faster in rural areas. On-street parking would be formal and marked in urban areas, less formal and unmarked in suburban areas, and then off-street in rural areas. Sidewalk widths would be wide in urban areas, narrow, then become nonexistent as we head into rural areas.

Consequently, urban area design would involve taller buildings up to the street, more people, trees in grates, pedestrian-scale lighting, higher valued paving materials, curbs, slow moving motor vehicles, on-street parking, and wide sidewalks.

The transect helps determine if one aspect or another of the built environment suits the place or context. For example, streets without lights would not suit an urban street though it would be perfectly suitable to not have lights in a rural area. Gravel roads would not be suitable in an urban environment, while brick streets would be out of context in rural areas.

Though these examples may seem simple, the transect starts to show its power when there are more complex problems in cities or when there are conflicting values. The bottom line is that the transect is useful in recognizing patterns and assisting in determining how well design elements suit their contexts, rural or otherwise.

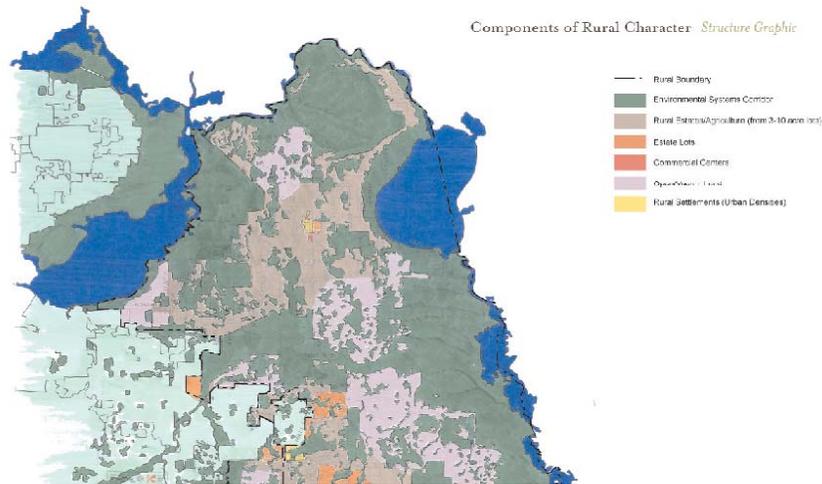
Seminole County Character

A closer look at the Rural Area in context with the transect identifies several issues facing southeast Seminole County. Consider the drive down Snow Hill road

from its intersection at CR 426. From the image it is apparent that this section is Rural in context with the transect. There is no streetscape, lighting, or sidewalks, and the distances between driveways are great. Near its junction with CR 419, the section changes, with a grassy rights of way, and suburban format subdivisions on both sides of the roadway. Sidewalks are prominent, and there are street lights visible within the subdivision, adding to the sense that rural has transformed into suburban. The portion of CR 419 that lies west of Snow Hill Road is purely a suburban format. There are sidewalks on both sides of the roadway, there is a prominent median (graduated landscape), and there is some landscaping in the rights of way. This simple exercise clearly identifies a transition from Rural to Suburban.



Proceeding clockwise from the upper left, the drive along Snow Hill Rd from CR 426 to CR 419 clearly demonstrates a transition from a Rural to Suburban form.



Defining Community Character

A design structure graphic was created that illustrates the pattern of development that exists in the Rural Area. The structure graphic is different from a land use map in that only the basic places that exist are described. These systems include environmental systems, Rural Estates/Agriculture (3-10 acres), estate lots, commercial centers, open/vacant land, and rural settlements (surrounded by urban densities). This view is used to easily identify transitional areas.



Land Preservation



Rural Residential



Estate Residential



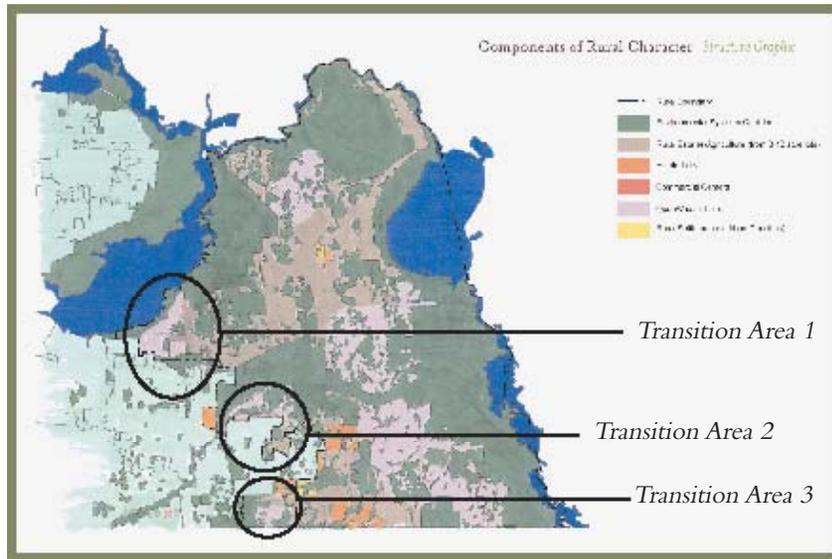
Suburban Residential



Suburban Commercial

From the design structure graphic, three prominent areas arise illustrating transitional issues. The first, Transition Area 1, is defined by a tract of vacant land in the Black Hammock Area that is abutted on the west by suburban/urban character and on the east by rural estates. Transition Area 2 is located in the Chuluota area and represents more conflict due to having less vacant land between urban/rural adjacencies and the presence of estate lots that abut the Rural Boundary. Transition Area 3 is located near the Orange County line and the Econlockhatchee River, and provides a smaller but equally as important contribution, due to the presence of a rural settlement that abuts estate lots.

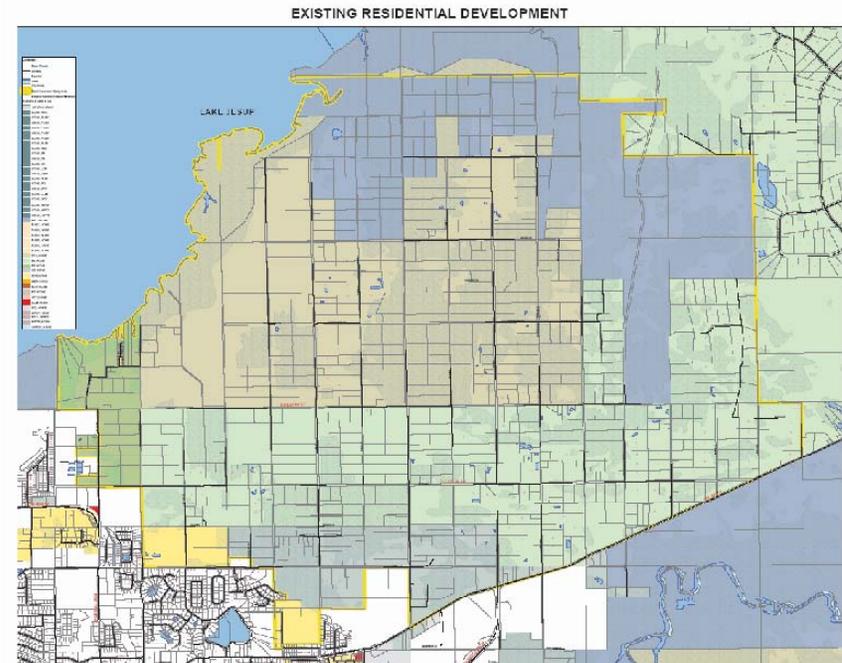
The transition areas provide the opportunity to effectively create more solid solutions that afford protection to the rural areas to the east from impacts of the suburban format, allowing the character to be preserved. For each transitional area, a context was created from which solutions could be defined by identifying the character types present, such as environmentally sensitive, rural estates, etc. and applying a set of options.



Transition Area 1: Black Hammock Area

The important environmentally sensitive areas, the existing rural community, and the existing suburban edge were broadly identified on the character map. The primary corridors in this transition area are Deleon Street, Florida Avenue, and State Road 434. This area is a transition conflict due to several factors, including the higher density developments of the adjacent cities of Winter Springs and Oviedo that abut the adopted Rural Boundary. Existing policies do not provide adequate buffers from adjacent suburban format developments, and the vacant land in Transitional Area 1 is under constant pressure for future City annexations.

Consequently, the transition purpose for Transition Area 1 should be to support and reinforce creation of corridors that protect the regionally significant environmental systems along Lake Jesup; and, to create permanent edges that protect the rural densities of this area.



Transition Options for Area 1: Black Hammock Area

1. Continue to rely on the Urban/Rural Boundary for protection.

An option is to simply continue to regulate the Urban/Rural Boundary as adopted in the Comprehensive Plan. This option would likely result in continued conflict and less compatibility along the boundary because it does not address the creation of transitions and only serves to end suburban form development at the boundary.

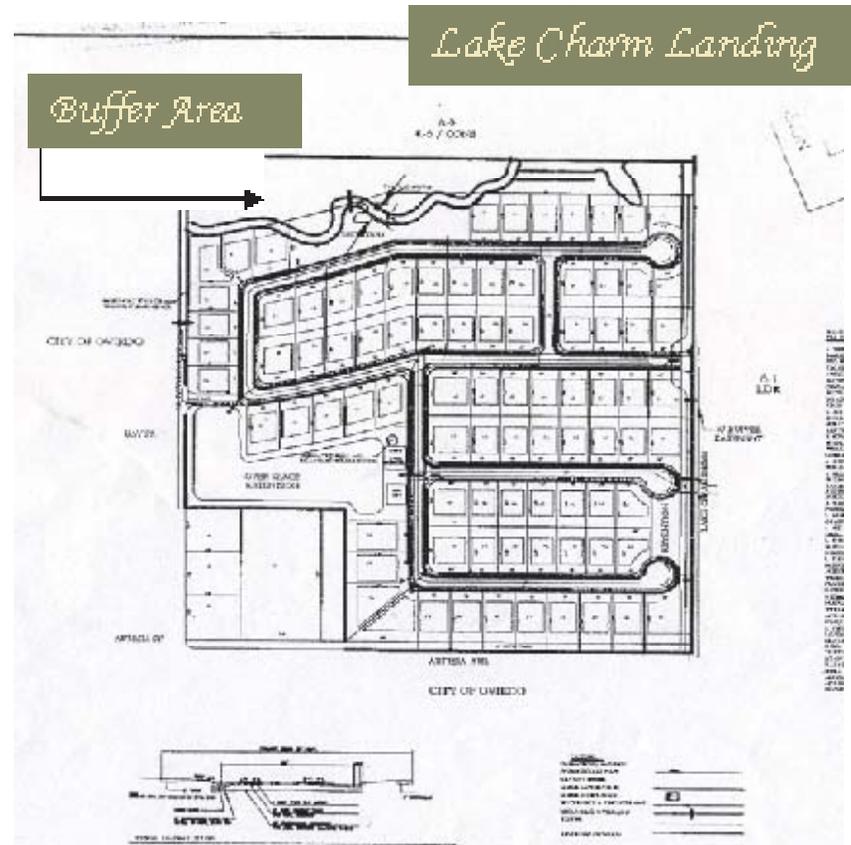


Aerial Photo of the Rural Area.

2. Continue to enforce the Urban/Rural Boundary with additional policies that regulate the “edge” condition.

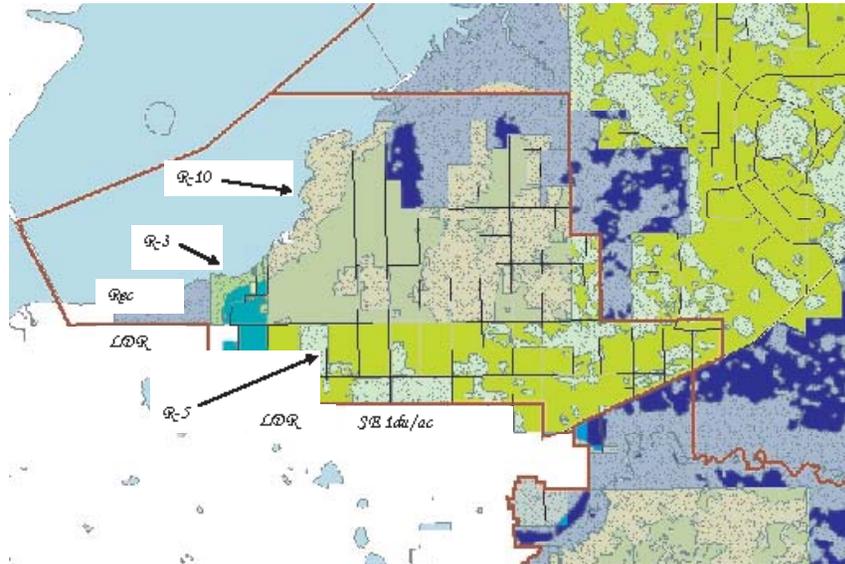
Because the boundary alone is insufficient to insure adequate transitioning, the following policies could be added to increase effectiveness of maintaining separation between the suburban areas and the Rural Area.

- A. Add a requirement for a 100’ buffer between urban land uses (densities greater than 1 dwelling unit per acre).
- B. Establish specific landscape and buffer standards within the 200’ buffer requirement that currently exists.



3. Stepping Down of Land Uses

A potential option for creating the transition is to establish requirements for step-down of land uses, or gradually decreasing incrementally the intensity of land uses to the Rural edge.

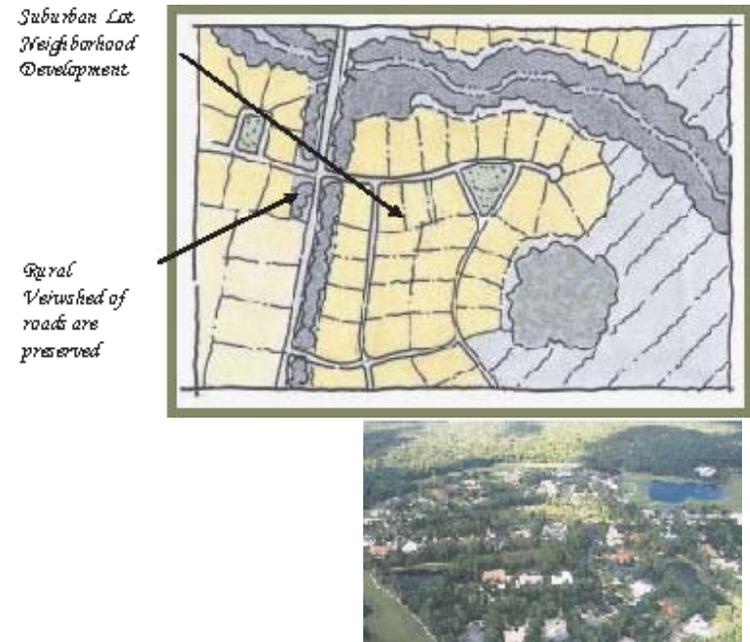


4. Creation of a Definitive Edge Through Land Use Design

This approach is characterized by three key components. Regulations would be created that allow permission to develop at higher intensities through incentives for protection of environmentally sensitive areas, thus creating the permanent transition. For Transition Area 1, this would best be implemented through application of the concept of Transfer of Development Rights, or TDRs. This concept provides a clear separation of urban and rural uses, creates buffer areas between urban uses and the traditional rural landscape, and it protects valuable natural resources.

For maintaining the rural context, two options may be used for the incentives-based approach. The first involves providing an incentive at a Rural Density of one dwelling unit per three acres, which is consistent with the Rural 3 land use

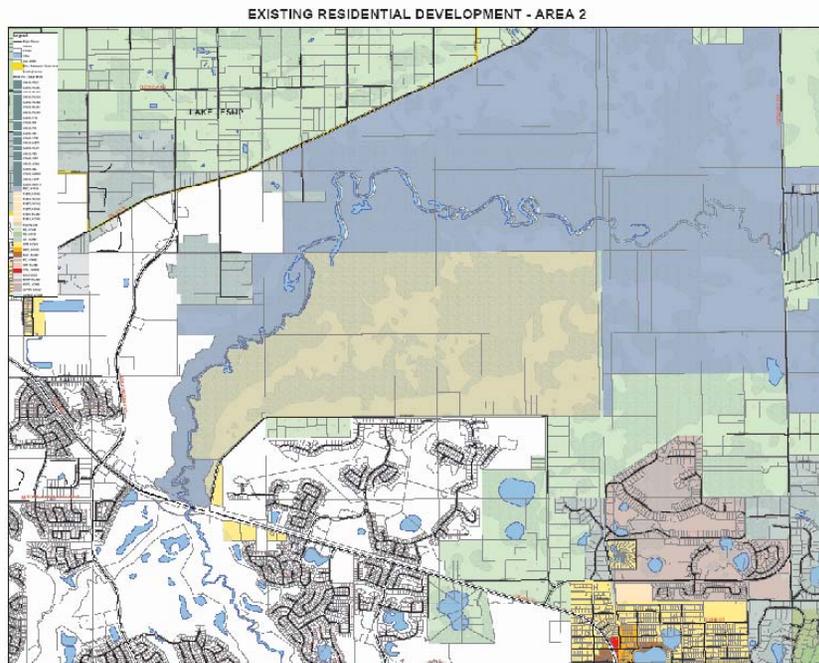
category. The other option is to provide incentives at a Rural Transition Density consistent with the Suburban Estates land use at one dwelling unit per acre.



Stepping down of land uses is a strategy which relies on ensuring that land use adjacencies are set that allow only one level of intensification. From this map, R-5 adjacent to R-10, R-3 adjacent to R-5, etc.

Transition Area 2: Chuluota Area

Transition Area 2 is located in the Chuluota area near the intersections of Snowhill Road, Willingham Road, and CR 419. The context of this area consists of environmentally sensitive areas along the Econlockhatchee River to the north, along with suburban form development to the south and west, and a small isolated rural subdivision to the southeast that is flanked by these suburban uses (1.5-2.86 du/acre). Approximately ½ mile of roadway frontage exists along CR 419, and the extension of Snow Hill Road to CR 419 has resulted in the creation of odd-shaped properties.



Several key principles guide the need for adequate transitioning. At the first level, there is a need to support and reinforce the creation of corridors that protect significant environmental systems. Additionally, the rural enclave should be recognized and measures created for protection, or it should be viewed as an infill area and standards should then be created to guide the development over time.

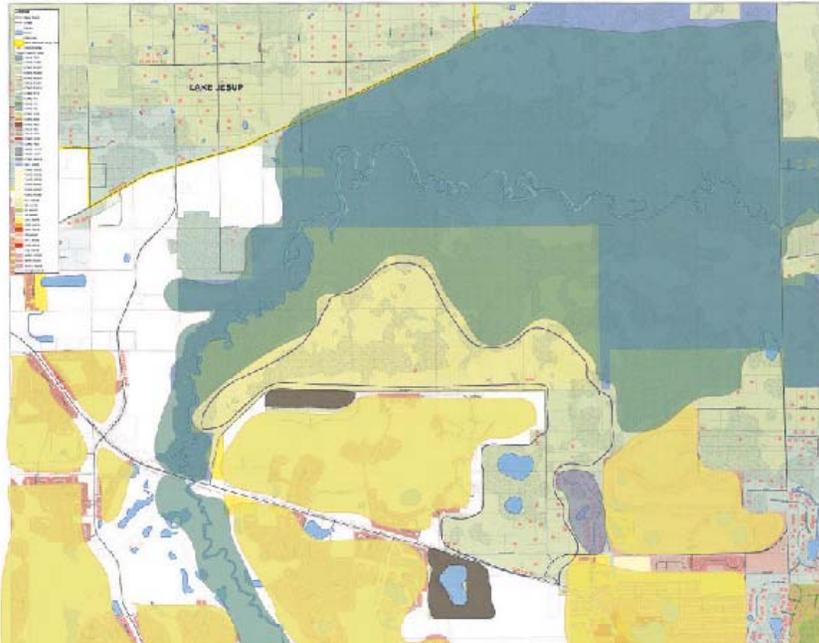
Traffic Counts/Roadway Network

	Segment	ADT (2004)	Capacity	Current Traffic Count (Excluding Committed Trips)	Road Type	PM Peak Hour Volume
Transition Area 2						
Snowhill Road	CR 426 to Old Mims Road	5,691	17,800	5,691	Collector	362
	Old Mims Road to Brumley Road	4,561	15,000	4,561	Collector	421
CR 419	Lockwood to 2nd Street	29,590	38,000	29,590	Collector	2,419

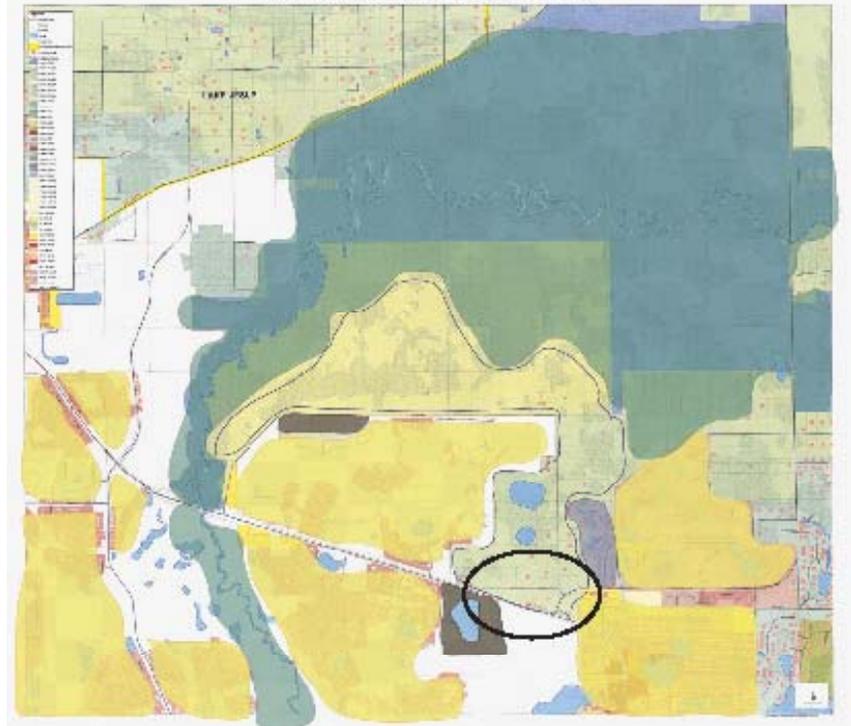
Transition Options for Area 2: Chuluota Area

1. A new policy could be created that recognizes that the rural community/neighborhood represents the final form of development that deserves and requires special protection from the intrusion of urban uses, densities, and intensities. This option does not treat the rural enclave as an area in transition that has potential for future urbanization.
2. Address frontage parcels along CR 419. There are frontage parcels that should be transitioned appropriately due to their proximity to the rural enclave. Options for these parcels could include neighborhood commercial that adheres to the Chuluota Non-Residential Design Standards or possibly multi-family that is designed to accommodate a rural character, including materials, landscaping, etc.

EXISTING RESIDENTIAL DEVELOPMENT-AREA 2



EXISTING RESIDENTIAL DEVELOPMENT-AREA 2

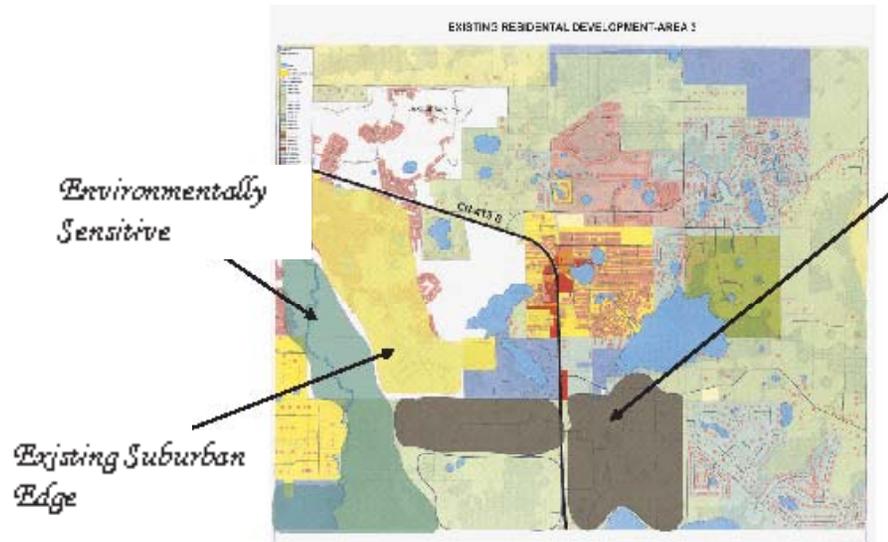


The two odd-shaped parcels that front along CR 419 are key transitional pieces for this section of the corridor. Appropriate transitional forms should be required to retain viewsheds and native vegetation while allowing intensification as incentives.

Transition Area 3: Along CR 419 Corridor Near Orange County Line

Transition Area 3 is located near the Orange County line along the CR 419 corridor. The context for evaluation includes environmentally sensitive areas along the Little Econlockhatchee River to the west, a suburban character component, and existing rural communities on either side of the corridor. Important considerations include the programmed widening of CR 419 in the area to four lanes, the development to the south in Orange County at three dwelling units per acre, and the risk of this area for annexation. Principles for guiding this transition include the need to support and reinforce the creation of corridors that protect the regionally significant environmental systems, and creation of permanent edges for protection of rural residences.

The recommendation for creating appropriate transitions within Transition Area 3 is to provide a rural cluster subdivision option. Two options exist for incentives for the rural cluster subdivision: incentive option A is one dwelling unit per three acres, which is consistent with the Rural 3 land use; incentive option B would be for rural transition density consistent with the Suburban Estates land use at one dwelling unit per acre.



	Segment	ADT (2004)	Capacity	Current Traffic Count (Excluding Committed Trips)	Road Type	PM Peak Hour Volume
Transition Area 3						
CR 419	2nd Street to County Line	10,760	15,000	10,760	Collector	949



Existing rural neighborhoods (top) should be transitional from suburban forms (below).

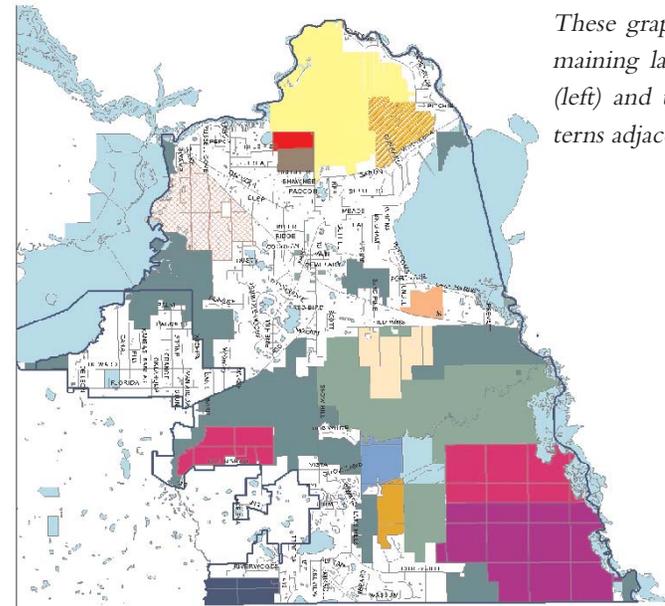


Rural Land forms are characterized by:

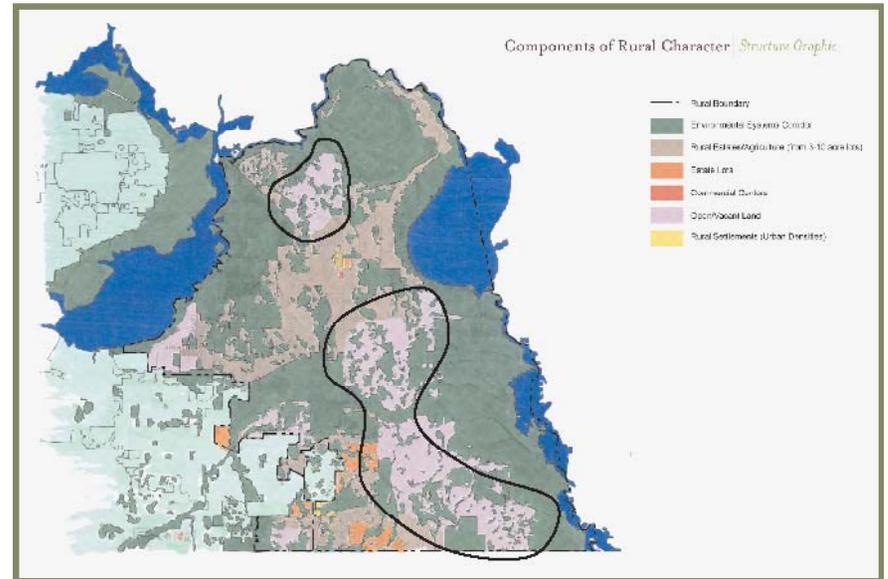
- Large lots sizes
- Natural landscapes
- Agricultural uses
- Scenic Views

Land Form Alternatives for the Rural Area

Seminole County has invested tremendously since 1991 in maintaining the character of the Rural Area, through successful land acquisition efforts, studies (Rural Area Plan, 1991 Comprehensive Plan), and policy creation. As the County has grown, character conflicts have arisen that require additional implementation strategies that supplement existing efforts. The first tier of recommendations from this study focuses on securing transitions adjacent to the Rural Boundary prior to further annexations or developments. The processes outlined above serve as the most robust mechanisms believed to provide transitions of size and permanency to avoid further character conflicts. Based upon the further evaluation of Seminole County's existing policy framework contained in the Comprehensive Plan and Land Development Code, the following recommendations are provided as the County continues to strive to preserve the heritage of the Rural Area:



These graphics illustrate the remaining large lot land holdings (left) and the development patterns adjacent to them (below).



Rural Cluster Subdivision

The rural cluster subdivision is an appropriate form of development for the Rural Area. This alternative allows for the clustering of housing units in rural areas and creates permanently protected open spaces or agricultural lands that may be added to the existing network of interconnected conservation lands, agriculture, and open space. Rural cluster subdivisions are composed of two components: open space, and residential development. Perhaps the most critical component of a quality cluster subdivision is open space preservation.



"Conservation by Design for Subdivisions" Randall G. Arendt

An alternative development option that allows for the clustering of housing units in rural areas and creates permanently protected Open Spaces and/or Agricultural lands that can be added to the interconnected network of conservation lands, agricultural lands, and open space.



Rural Cluster Subdivisions are composed of two components:

- *Open Space; and*
- *Residential development.*

Open Space Requirements

A minimum of 50% open space should be preserved as a requirement for rural cluster subdivisions. Criteria should be developed for arrangement of open space such that it creates or provides an addition to a network of open spaces that are regionally significant. Open space in rural cluster subdivisions generally is privately maintained by either homeowner's associations, or through dedication to agencies.

Non-Residential Development Standards for Rural Development

New policies should be created that require implementation of rural lighting standards. The focus of rural lighting standards should be limitation of emission of undesirable rays into the night sky, glare to on-coming traffic, and intrusion of light onto adjacent properties. The County’s currently adopted lighting ordinance most closely resembles the proper lighting controls for rural character, and it is recommended that it be used as a first step to creation of rural lighting standards.

Additionally, a series of new policies should be adopted that address rural standards for site design, building placement, setbacks, buffers, landscaping, parking areas, fences, and signage.



Suburban commercial should be heavily buffered from Rural forms.

Scenic Views

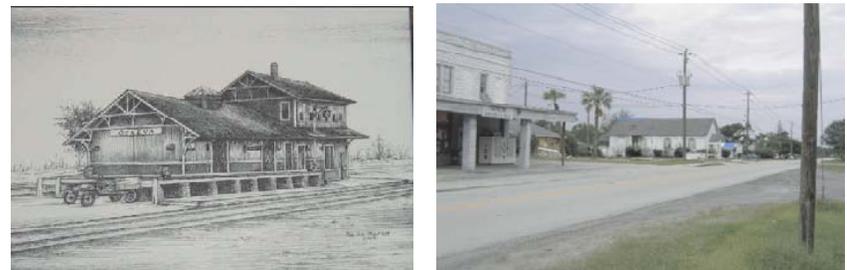
New policies and procedures need to be considered for after-the-fact permits and/or mitigation for un-permitted tree removal. This policy series should focus on removal that is conducted in preparation for, or in anticipation of, any development or construction of non-agricultural improvements. Evidence of such preparation or anticipation of such should include submittal of an application for a building permit for non-agricultural use, a special exception, a rezone, a Development of Regional Impact, a site plan, a subdivision plat, or other development approval within three (3) years of the date of the tree removal.



Rural development should be accomplished in such a fashion that viewsheds along corridors appear undisturbed.

Historic Geneva

A new policy should be created that requires the County to seek partnerships and continued grant funding in order to support the citizens of Geneva to provide infrastructure improvements that support and reinforce the historic character of this area. Upon completion of the historic structure survey of Geneva, the County should evaluate the findings to consider whether additional regulations are warranted, necessary, or practical.



Geneva has long been a fixture of Seminole County, and its heritage, such as these historic structures along its Old Main Street that should be preserved.

BACKGROUND

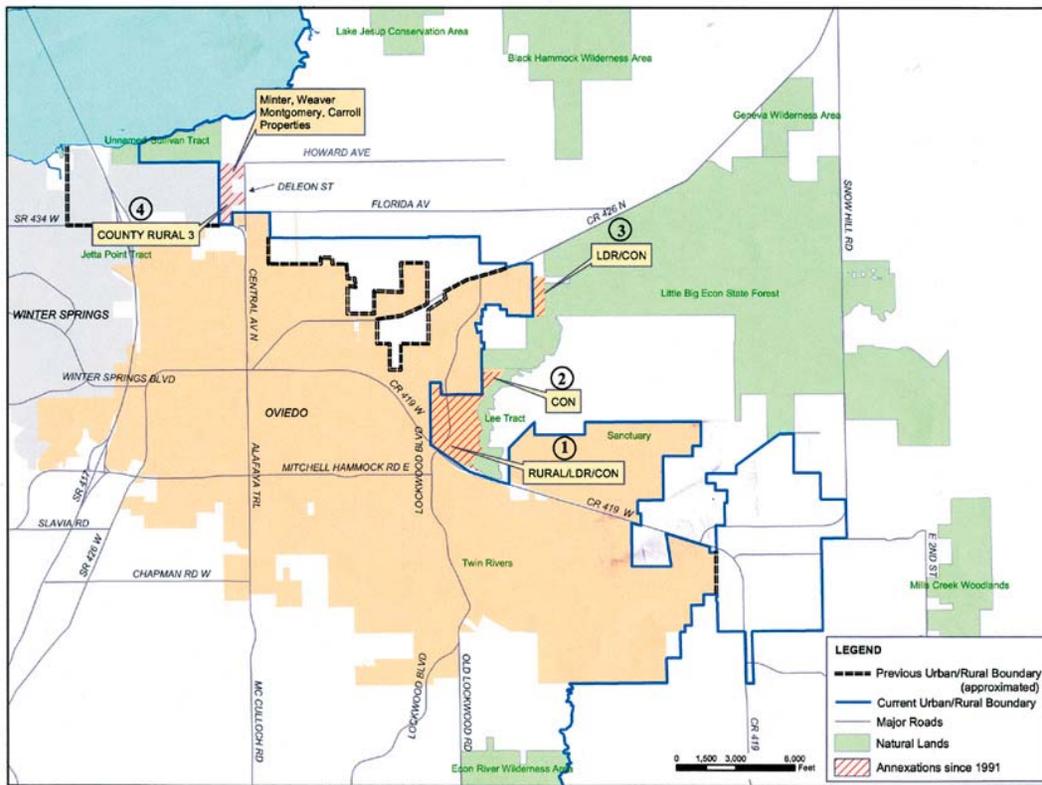
The East Rural Area has a rich history in agricultural production and large lot homesteads. Citizens and policy makers alike acknowledge the special resources of the East Rural Area and the desire to continue to provide the opportunity for a lifestyle based on rural character. This area comprises approximately 34% of the land area of Seminole County, and has been identified for preservation and enhancement in every County Comprehensive Plan since 1974.

In 1991, the County commissioned a study of the rural lands, the *East Seminole County Rural Area Plan*, which looked at ways to preserve the rural character of this area. Subsequently, the County's Comprehensive Plan was amended in 1991, based on recommendations from the Rural Area Plan, and created and assigned a set of rural future land use designations (Rural-3, Rural-5, and Rural-10). The following year the County amended its Land Development Regulations to create and assign associated rural zoning classifications (A-3, A-5, and A-10) to properties within the Rural Area. Additional policies and regulations applicable to the Rural Area were also implemented including rural design and development standards, rural roadway corridor character standards, rural clustering, preservation of conservation lands, and rural levels of service.

These policies and regulations have been evaluated during five subsequent study efforts and revised based upon recommendations included within these efforts including: the GreeneWay/SR 434 Small Area Study (also referred to as the Black Hammock Study), the Florida Avenue: Canopy Roads Study, the SR 434 and CR 426 Rural Road Standards Study, the Chuluota Small Area Study and the Chuluota Nonresidential Design Standards Study.

On August 12, 2003, County Planning Division staff presented a Briefing Item to the Board of County Commissioners that outlined specific challenges to maintaining the Rural Area and the Urban/Rural Boundary. In general, concerns facing the Rural Area are not uncommon for lands located within a major metropolitan area and include development pressure along the established urban boundary, and the continued expansion and growth activities of the cities of Winter Springs and Oviedo which bring urban services to the entranceways of the Rural Area. Specific challenges that were also identified as a part of this Briefing included:

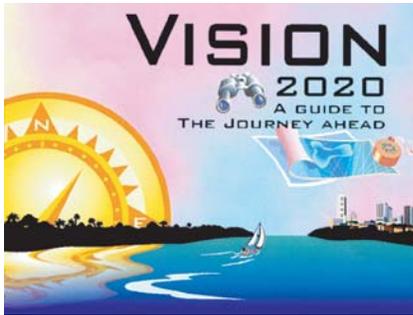
- Battleridge – In 1994 a Large Scale Plan amendment application was submitted for the property known as Battleridge requesting an amendment from R-10 to Planned Development and a rezone from A-10 to PUD on 297 acres which prompted the County to conduct the GreeneWay / SR 434 Small Area Study. The final result of this effort was that the property owner petitioned the City of Winter Springs for annexation which was granted. The property has been approved for the development of single-family residential uses which are currently under construction.
- Winter Springs Annexations – Winter Springs annexed three key parcels along DeLeon Street in November of 2000, referred to as the Carroll, Minter and Weaver properties. These properties currently maintain the County's zoning classification and future land use designation, however, the City of Winter Springs may attempt to amend the designations of these properties to a more urban density through an amendment to the City's Comprehensive Plan.
- Joint Planning Agreement (JPA) – The County and the City of Oviedo entered into a JPA in 1999. In addition to other provisions, this agreement establishes a joint planning area boundary, a future annexation area boundary, provisions for maintaining the rural character of certain properties that the city annexes, and a “transition” area that provides for additional/ increased density for certain specified properties if and when the city annexes property within the transition area.



Annexations across the Urban/Rural Boundary

COMPREHENSIVE PLAN

In 1991, the Board of County Commissioners amended the Comprehensive Plan to include the establishment of the East Rural Area Boundary and a new Objective and Policy series that formed the foundation of Rural Policy Planning for the County. During this Plan Amendment, the County created new rural land uses limiting densities and guiding development in the Comprehensive Plan. The Comprehensive Plan defined the Rural Area as “that portion of the County characterized by agricultural and larger lot (5 acres or greater) residential uses, rural roads with limited commercial encroachments, ample views of wooded areas and open spaces and occasional rural villages that provide the commercial and community support services required by the residents and businesses of the outlying areas.”



Establishment of Urban/Rural Boundary

The East Rural Area of Seminole County is distinguished from the County's predominantly urban area by the establishment of the urban/rural boundary. The County's Urban/Rural Boundary was initially established in 1991 in conjunction with creation of the County's East Rural Area (as the Rural Area Boundary), ordinance 91-13 and refined in 1999 to rename the boundary to the Urban/Rural Boundary and to establish specific criteria for the amendment of the Urban/Rural Boundary. The main purpose of the boundary is to manage growth in East Seminole County by defining the limits beyond which urban services will not be extended; providing urban uses on those properties that abut municipalities in the event of future annexations; and ensuring compatibility between urban and rural

land uses. The Boundary separated the more urban future land use designations, such as Low, Medium and High Density Residential, Commercial and Office, from the rural future land use designation series of Rural 3, Rural 5 and Rural 10 (see Adopted Future Land Use Map). The boundary also forms the foundation for both wetland regulations as well as land use designations that are assigned throughout the County. Finally, the boundary serves to protect the rural character and lifestyle of the Rural Area and underscores the achievement of sustainability and smart growth within unincorporated Seminole County.

An example of how the Comprehensive Plan currently protects the Rural Area is found in the Future Land Use Element of Vision 2020 with an objective entitled, “Preserve the Rural Lifestyle in East Seminole County”. This section contains policies relating to clustering, roadway corridor overlays, designating the east area as outside the adopted urban service boundary for potable water and sanitary sewer, establishing agricultural primacy for uses and the protection of natural resources to implement the rural lifestyle objective.

Since 1991, the Boundary has been amended administratively in conjunction with the Seminole County 1994 GreeneWay/SR434 Small Area Study and the 1999 Chuluota Small Area Study (ordinances 94-12 and 99-13). The GreeneWay/SR 434 Study resulted in relocating the Boundary, on the north side of SR 434, to a point east of the intersection of SR 417 and SR 434, to a point east of the intersection of SR 417 and SR 434, and extending the Boundary north toward Florida Avenue to create additional urban area abutting the City of Oviedo. The result of the Boundary amendment associated with the Chuluota Study was to incorporate the most intensely developed areas of Chuluota into the County's Urban Area, along with additional lands to the north and south of Chuluota undergoing transition to urban intensities of development.

Vision 2020 also includes specific standards and guidelines for the review of amendments to the Urban/Rural Boundary, which provide that the Boundary may be amended only if the following standards are affirmatively met as provided and detailed in Vision 2020.

- (a) Demonstration of need;
- (b) Locational analysis; and
- (c) Comprehensive plan consistency

EXISTING LAND DEVELOPMENT REGULATIONS

Specific Land Development regulations have also been created which are devoted to maintaining and encouraging the rural lands. These regulations strive to protect and preserve the lifestyle and resources of the Rural Area. Specific regulations which currently protect the Rural Area include:

- Rural Zoning Districts (A-3, A-5, and A-10);
- Rural subdivision standards;
- Rural cluster development standards;
- East Seminole County Scenic Corridor Overlay District;
- Wetlands Overlay District;
- Floodplain Overlay District;
- Arbor Ordinance; and
- Regulations protecting sensitive areas such as the Geneva Lens and the Econlockhatchee River (Econlockhatchee River Protection Overlay Standards Classification)

EXISTING CONDITIONS

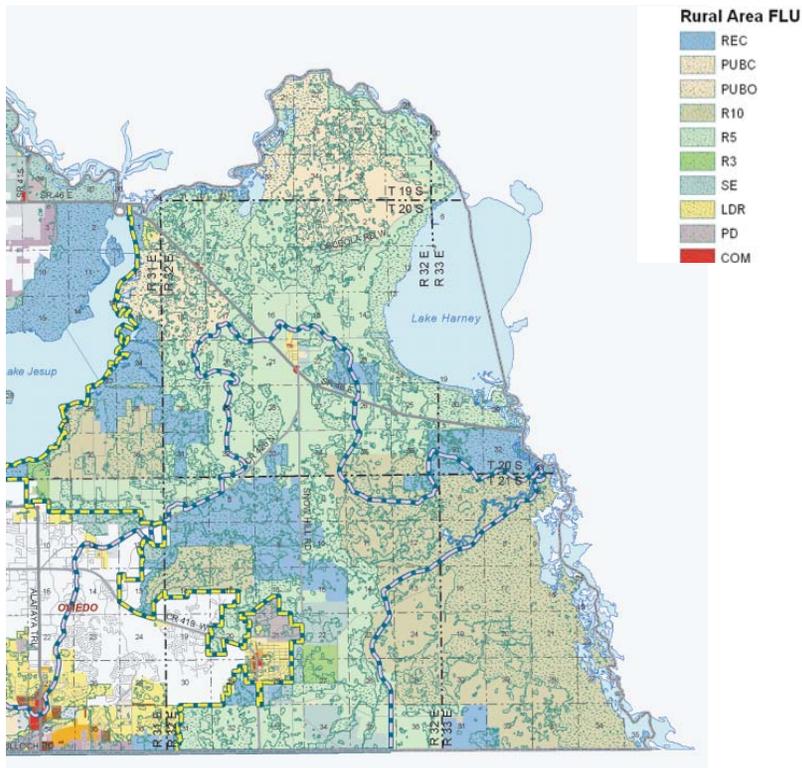
The total land area within the Rural Area is approximately 69,000 acres. Since the 1991 Rural Area Plan was conducted, approximately 3,000 acres have been annexed to adjacent cities. Part of the planning process for the future of the Rural Area includes the analysis of a range of growth measures.

- Future Land Use
- Zoning and Lot Layout/Configuration
- Population, Absorption of Land
- Build Out Analysis
- Current Infrastructure
- Environmental Resources
- Trails

	1991	2004
Total Land Area in Rural Area	72,063 Acres	69,038 Acres
Built Area	28,483 Acres	52,799 Acres
Lands in Public Ownership	10,000 Acres	20,078 Acres
Population	9,041 Persons (1990)	18,544 Persons (2003)

I. FUTURE LAND USE

The predominant Future Land Use designation within the Rural Area is Conservation. With over 50% of the rural land area within the Conservation Overlay, much of this area is protected either through fee simple conservation purchases or through the County’s environmental protection regulations. Rural land uses comprise 98% of the Rural Area and include Conservation, Public Lands, Recreation Lands and Rural land uses (Rural-3, Rural-5 and Rural-10). The density of the Rural land use designations range from 1 dwelling unit per 10 acres (Rural-10) to 1 dwelling unit per 3 acres (Rural-3).

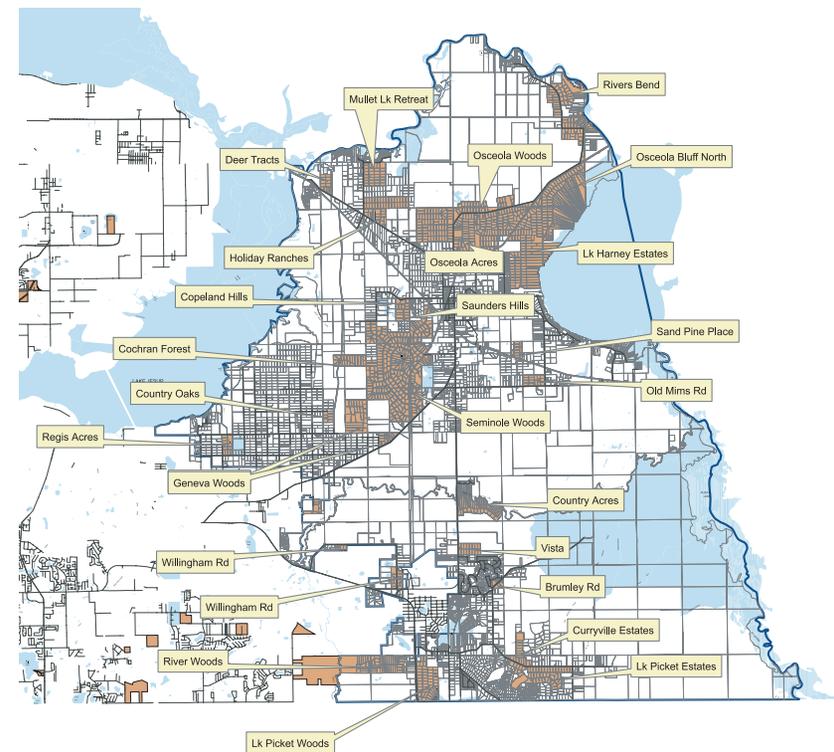


Adopted Future Land Use Map

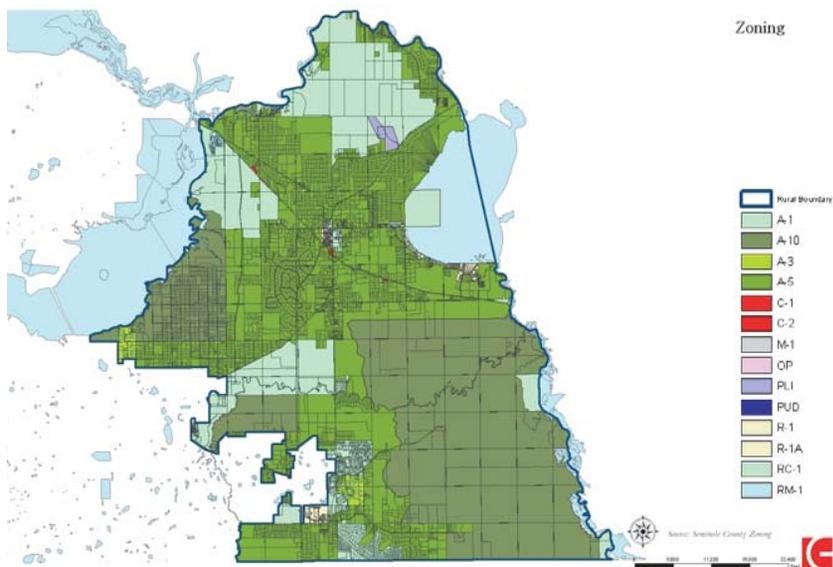
2. ZONING AND EXISTING LOT CONFIGURATION

The primary zoning classifications within the Rural Area are A-1, A-3 and A-5. The lot configuration within the Rural Area has two distinct land development types: 5-acre tracts for residential subdivisions comprising approximately 10,000 acres of land within the Rural Area and large agricultural holdings primarily greater than 200 acres in size under single ownership.

Zoning	% of Study Area
A-1	19.72%
A-10	34.43%
A-3	0.88%
A-5	43.66%
C-1	0.97%
R-1	0.39%
R-1A	0.37%



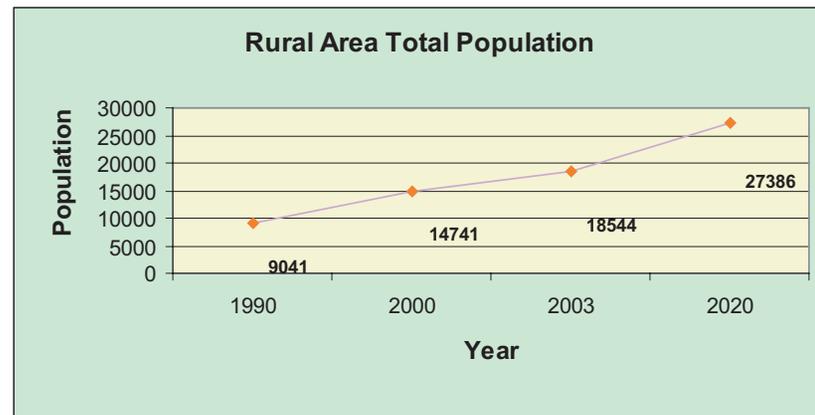
5-Acre Subdivisions



Existing Zoning

3. POPULATION/ABSORPTION OF LAND

Historical, current and projected population data was reviewed to help determine the pace and continued presence of growth pressures within the Rural Area. In 1990, the population within the Rural Area was 9,041. According to the 2000 US Census, the population in this area grew to 14,741 people, an increase of 63%. By 2003 an additional 3,803 people lived within the Rural Area for a total of 18,544 residents.



	% Change 1990-2000	% Change 2000-2003	% Change 2003-2020
Population	63.05%	25.80%	47.68%

4. BUILD OUT ANALYSIS

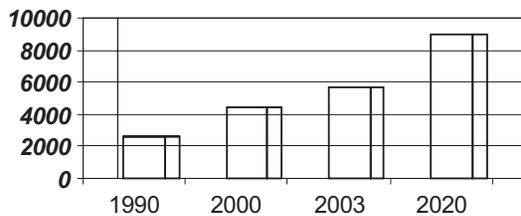
Population

Over the past thirteen years, between 1990 and 2003, the Rural Area grew by 105% from 9,041 to 18,544 residents. By 2020, the Rural Area is projected to add another 8,842 residents for a total of 27,386, an increase of 48%,

Single Family Homes

In general, the increase in single family homes built in the Rural Area follows the same pattern and percentages shown above for population.

Single-Family Units
Historical and Projected



	1990	2000	2003	2020
□ Rural Area	2624	4444	5715	8929

Potential for Growth

Based on the remaining vacant developable acreage in the Rural Area, residential growth through 2020 will be primarily in the Rural-5 designated future land use areas – an additional 1,546 single family homes.

Non-residential growth opportunities will continue to be limited in keeping with the goal of maintaining the rural character of the area. Under the currently designated future land use classifications in the Rural Area, the vacant commercial land could accommodate an additional 409 employees through 2020.

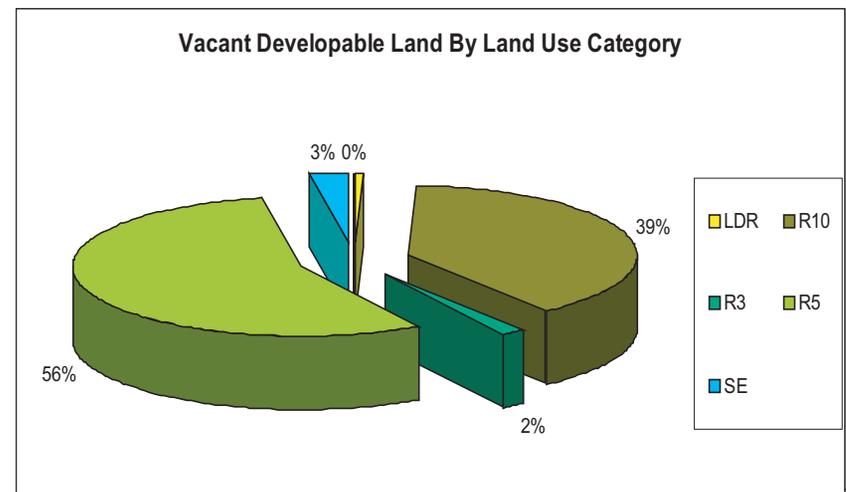
Study Assumptions / Methodology

1. Census data was gathered based on 2000 Block Group definitions; 1990 data was adjusted to 2000 Block Groups based on 1990 block level data. In some cases, Block Groups (BG) had to be included that had portions outside of the defined Rural Area.

2. Vacant Developable Potential is determined in a two step process. Step one includes identifying the total developable acreage of each parcel (gross acreage minus conservation acreage). The second step involves identifying the currently assigned future land use (2003) for each parcel applying the “build out” developable potential for that use to generate the potential future growth on each property. Historic averages that describe a realistic “built density per acre” within each future land use designation are prepared for the Comprehensive Plan and include factors for on-site infrastructure, historic property development yield by future land use category, etc. Projections for the Vacant Developable Potential are based on Traffic Analysis Zone (TAZ) data from the Comprehensive Plan.

3. Population and Housing projections for 2020 assume that all properties will actually be built. While some properties may not yet be built by that time, this provides a conservative estimate for planning purposes.

Vacant Developable Land By Land Use Category



5. CURRENT INFRASTRUCTURE

The Infrastructure Map highlights the basic infrastructure that directly serves the Rural Area.

Transportation

The Rural Area is primarily served by SR 46, CR 426, CR 419 and Snowhill Road as well as other minor and local roads. Unpaved roads are common in the Rural Area. Roads in the Rural Area are currently functioning at an acceptable level of service.

Water

The primary source of potable water for residential use is from private individual wells. Central water service is only provided to portions of the Rural Area and extensions of additional service are limited under the Comprehensive Plan. Providers include Seminole County, Mullet Lake Water Association, Lake Harney Water Association, Seminole Woods Water and Aqua America.

Sewer

Sanitary sewer service is also limited within the Rural Area and is provided to a small portion of the area northwest of Lake Mills. Service is provided by Utilities Incorporated. Individual septic tanks are the primary method sewer service within the Rural Area.

Stormwater

The Rural Area is located in five major drainage basins: the Econlockhatchee River Basin, the Lake Jesup Basin, the Puzzle Lake Basin, the St. Johns River Basin and the Lake Harney Basin. Stormwater systems for private development are provided by the property owners consistent with County, regional and state requirements. An area-wide basin study has been completed for only one of these Basins, the Basin that identifies the specific capital improvements that are necessary to maintain the natural drainage functions of the Basin. There is no dedicated funding source at this time for drainage improvements.

Fire Protection

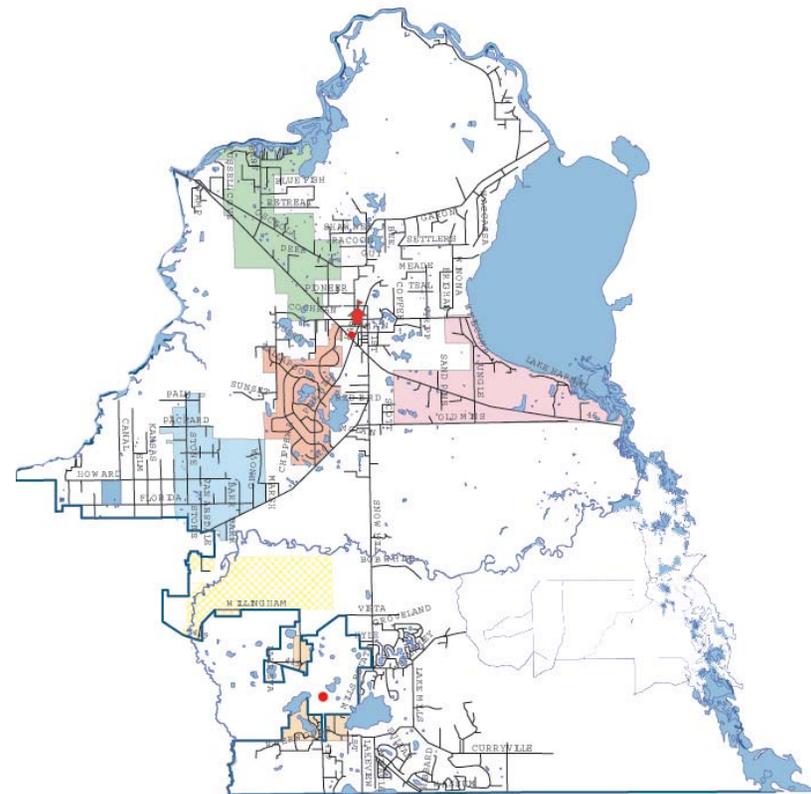
Seminole County operates two fire stations within the Rural Area, one in Geneva (#42) and one in Chuluota (#43). Mutual aid agreements are in effect with Oviedo and Orange County.

Schools

Students who live within the Rural Area are served by the following schools:

- Geneva Elementary
- Walker Elementary
- Jackson Heights Middle
- Oviedo High

An additional High school opened in 2005, Hagerty High, which serves a large portion of the Rural Area.



Infrastructure Map

6. ENVIRONMENTAL RESOURCES

The Rural Area of Seminole County includes large expanses of regionally significant natural resources, particularly those that occur along the Econlockhatchee River, Lake Jessup, and the St. John's River.

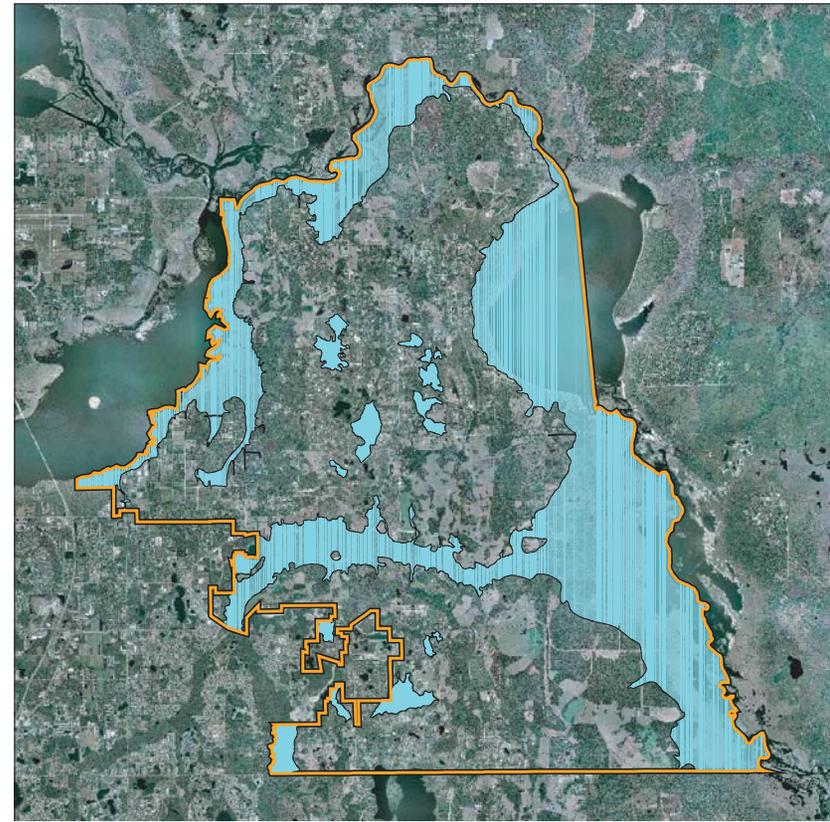
Each of these significant water bodies has broad expanses of herbaceous and/or forested wetlands, and an extensive area of 100-year floodplain.



LEGEND
 RURAL AREA BOUNDARY

GJ# 18627
 Aerial Source: Aerials Express (2/2005)

2005 Aerial Photograph

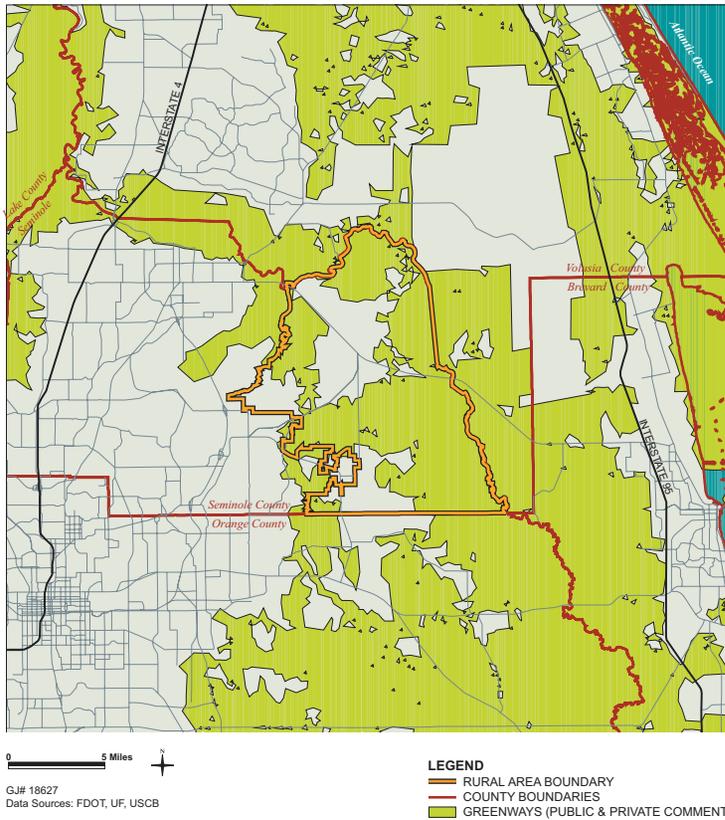


LEGEND
 RURAL AREA BOUNDARY
 100-YEAR FLOODZONE (AE)

GJ# 18627
 Data Sources: FEMA (1999), Seminole County
 Aerial Source: Aerials Express (2/2005)

100 Year Floodplain

The hydrology of each of these systems is extremely dynamic – frequent periods of drought reduce the flow in the St. John’s and Econlockhatchee (Econ) Rivers to a mere trickle, annual flood stages are characterized by broad areas of substantial flow that greatly exceed their banks. Likewise, the expanse of Lake Jesup increases by thousands of acres during periods of high rainfall. Because of the diverse values of these natural systems, they have been identified as part of the Greenway system that connects major resource lands throughout Florida. Likewise, previous studies contracted by Seminole County defined important Natural Resource Conservation Areas in the Rural Area. The areas that were highlighted included the vast natural lands adjacent to Lake Jesup, the Econ River, and the St. John’s River.

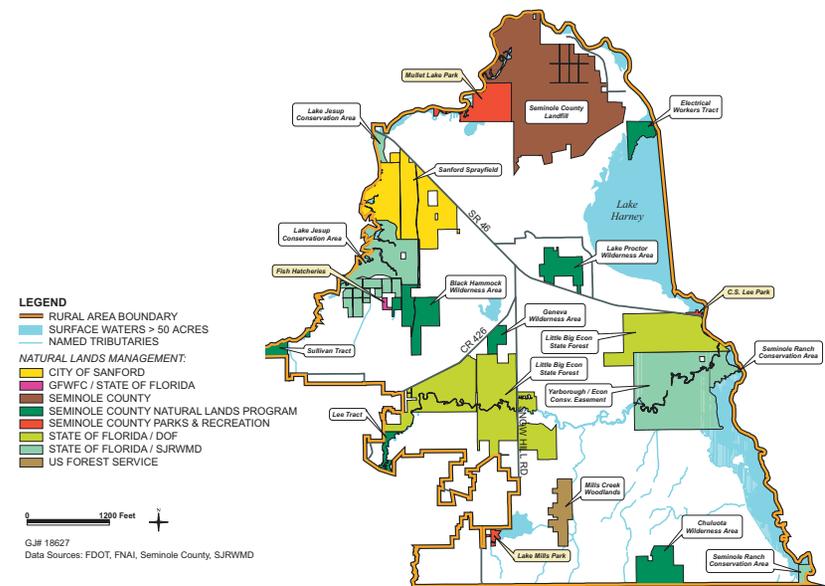


Florida Greenways

Another significant natural resource in the Rural Area is the freshwater resource associated with the Geneva Lens. The water quality of this groundwater “bubble” has been sustained by the low intensity land uses, and the County should continue to maintain land uses compatible with its conservation.

The unique characteristics of Lake Jesup and the Econlockhatchee (Econ) River have led to local regulations that either direct wetland impacts and mitigation (Lake Jesup), or provide justification for the creation of special regulations (Econ River Protection Area). These special regulations have been developed to protect the natural resource values of these unique areas, and they establish additional protection measures associated with buffers to wetlands, establishment of riparian habitat protection zones, and specific guidelines for mitigation of impacts to natural resources.

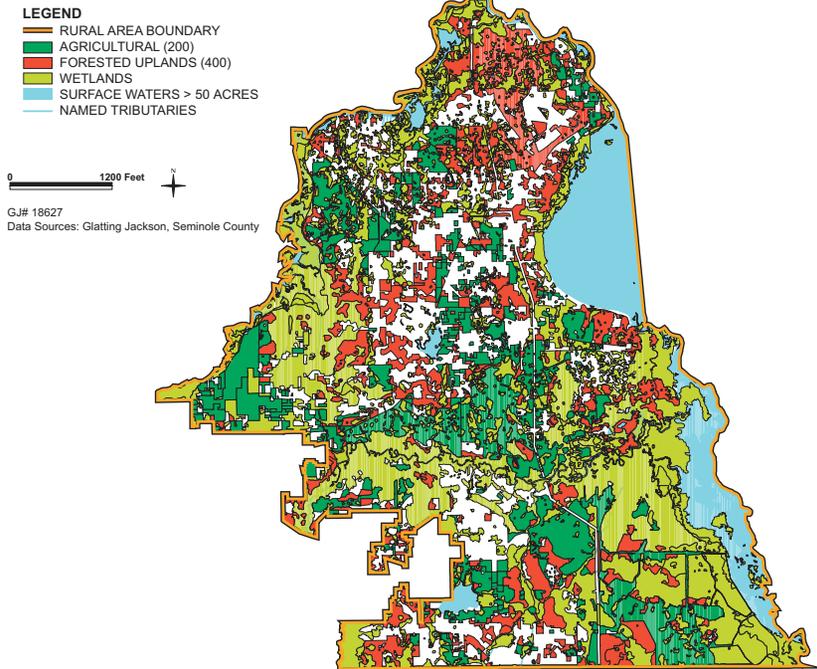
The Rural Area of the County has been a priority of Seminole County and state acquisition efforts. Consequently there is now a network of public lands dedicated to resource protection.



Public Lands and Natural Lands



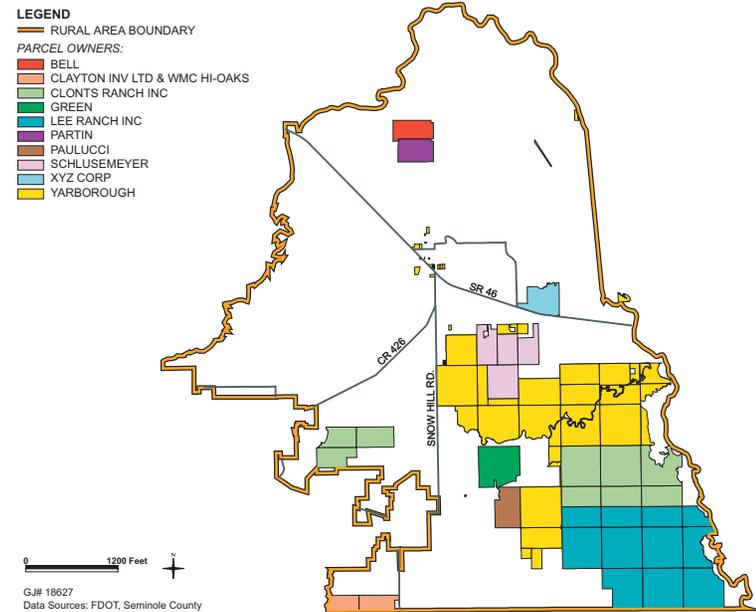
The SJRWMD has identified other lands in the Rural Area that are priority acquisition tracts. The acquisition of these lands would serve to protect the landscape linkages identified by the statewide Greenway program. There are extensive areas of unaltered, natural habitats in the Rural Area of Seminole County, including extensive areas of forested uplands and wetlands. Development and conservation patterns have left much of the canopy in this portion of the county intact, and County conservation programs, including acquisition and management would serve to sustain these habitats over time.



Land Cover

These natural resources provide an array of opportunities for consumptive and non-consumptive outdoor recreation in the Rural Area. These include water-related recreation along the St. John's River and Lake Jesup, and activities such as hiking, biking, bird watching, in conservation areas adjacent to the Econ River.

A relatively small number of landowners own extensive areas of valuable resource lands the Rural Area. The County and the SJRWMD continue to seek ways of protecting natural resources while meeting the long-term objectives of these landowners. Ongoing efforts towards conservation or acquisition will sustain landscape linkages, valuable natural habitat, and serve to protect the 100-year floodplain of the St. John's River.



Large Land Holdings

7. TRAILS

Flagler Trail:

The Flagler Trail is an unpaved wilderness trail located in the Rural Area of Seminole County. It runs from the Orange County line near Chuluota to the St. Johns River north of Lake Harney. Because of its length, scenic beauty, and accommodation of various activities, the Flagler Trail has been designated as one of the County's Showcase Trails.

The Flagler Trail is located along an abandoned railroad corridor that came to be known as State Road 13. The corridor was never used as a road and the railroad was eventually abandoned in the 1950s. The rights of way was acquired by Seminole County in 1984 from the Florida Department of Transportation and was restricted to public use. Around 1975, the Florida Trail Association designated the southern portion of the trail as a part of the Florida National Scenic Trail. The Flagler Trail is owned and maintained by Seminole County. Flagler Trail offers activities and facilities for biking, hiking and equestrian use. The construction of the trail is overseen by the Special Projects Team in the County's Engineering Division and the trail is maintained by the Parks and Recreation Department of Seminole County.

The Flagler Trail North, from SR 46 to the St. Johns River has recently been completed to include the St. Johns River Trailhead, with horse trailer parking, at the northern tip of the trail (see map). Flagler Trail South runs from the Orange County line to CR 426 (see map). It intercepts Lake Mills Park and shares the trail with the Florida National Scenic Trail. The Snow Hill Road Trailhead was recently opened and the parking area can accommodate vehicles with horse trailers.

The Special Projects Team is actively working on connecting the southern and the northern parts of the trail. Before the Department of Transportation abandoned the SR 13 rights of way, they allowed a segment to be used by a private developer which has resulted in the rights of way being partially lost. This lost section is in the Seminole Woods subdivision, which is gated and private, and is now known as Pine Hill Boulevard. The Special Projects Team is working with the Division of Forestry to connect the southern section to the Barr Street Trailhead and es-

tablishing the link from Barr Street north to the Seminole County Natural Lands property and eventually connecting that section to Cochran Road, where sufficient rights of way has been previously secured to allow for the trail connection. This will allow them to complete the link to the Flagler North trail.

Florida National Scenic Trail:

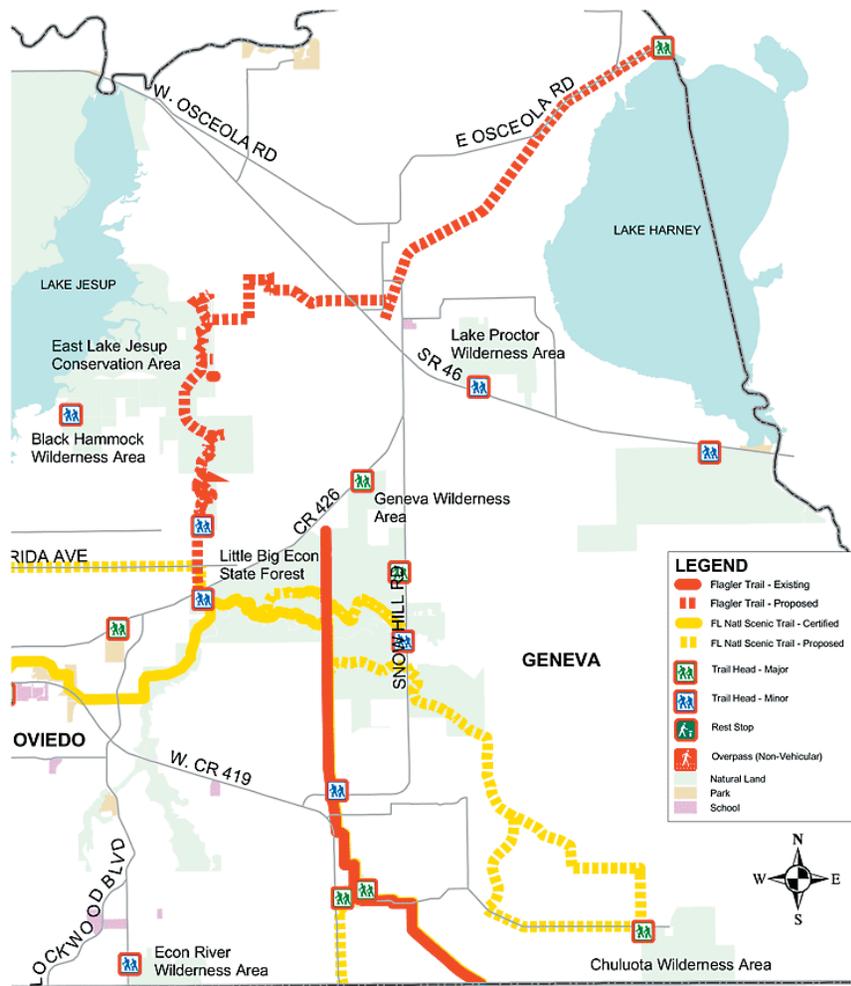
The National Scenic Trail System of 1968 created a program to preserve and certify trail corridors that meet specified criteria. The Seminole County portion of the Florida National Scenic Trail traverses the entire County from Chuluota in the Rural Area to Sanford and mostly follows the paths of other existing and planned trails.

The existing certified portion begins at the Flagler Trail Trailhead at Snow Hill Road in Chuluota and ends at the Seminole County Environmental Studies Center which is located on S.R. 419 in the urban area. Although this is the only certified portion, the entire length of the trail through Seminole County is blazed and can be hiked. The trail is mostly unpaved except where it passes along some of the existing Cross Seminole Trail and through the Lake Mary area to the Seminole Wekiva Trail. Certification of the rest of the Florida National Scenic Trail in the County is a current project of the Special Projects Team.

The Florida National Scenic Trail passes through the Little Big Econ State Forest, which contains 5,048 acres, in the Rural Area. Within the state forest there is also a designated biking trail and an equestrian trail. There are two trail heads along Snow Hill Road that provides access to all the trails in the state forest.

FLAGLER TRAIL

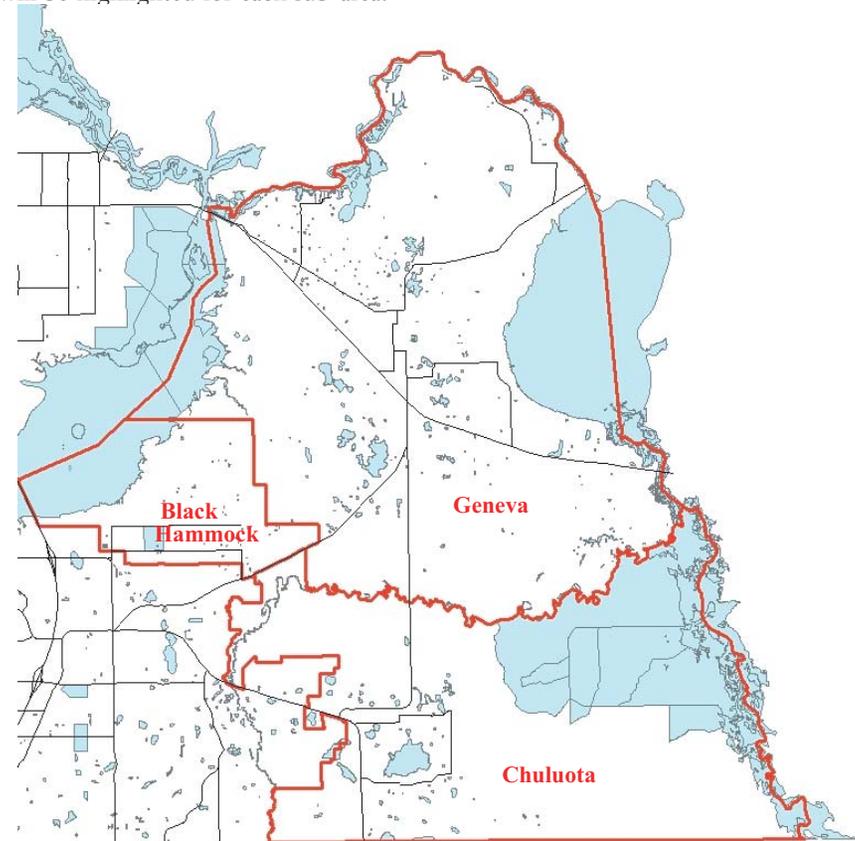
Prepared by Seminole County Information Technologies, August 2004



Seminole County Trails Maps

SPECIAL RURAL COMMUNITIES

There are three main sub-areas within the Rural Area, as shown in the Special Rural Community Map below: Geneva, Rural Chuluota east of the Urban/Rural Boundary and the Black Hammock. Geneva and Chuluota are historically known and act as villages within the Rural Area. For the purpose of this study, Geneva is the area east of Lake Jesup and north of the Econlockhatchee River, Rural Chuluota lies south of the Econlockhatchee River and east of the Rural Area Boundary and Black Hammock is the area land which lies north of the city of Oviedo, south of Lake Jesup and is bordered by the Black Hammock Wilderness area to the east. Existing conditions, build out analysis, population and land use will be highlighted for each sub-area.



Special Rural Communities



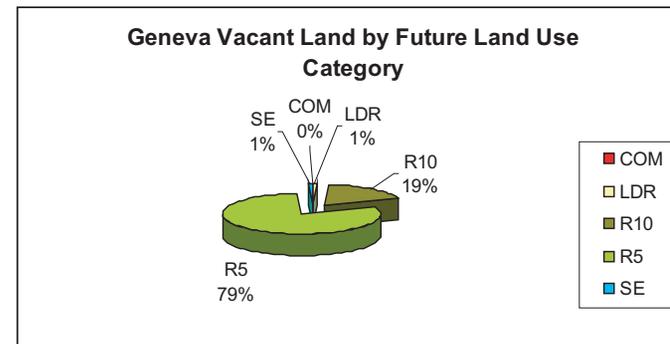
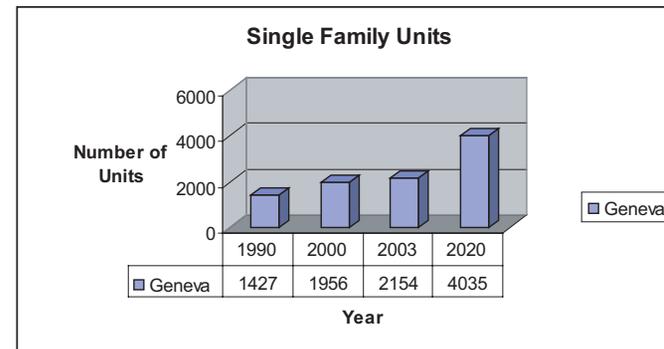
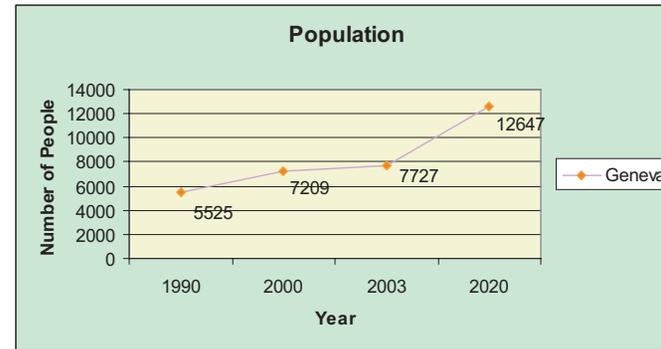
GENEVA

The 1991 Rural Area Plan describes Geneva consistent with current conditions. The Geneva area covers the largest portion of the study area including everything north of the Econlockhatchee River and east of Black Hammock. Its focal point is the village of Geneva, which is an area at the intersection of SR46 and CR 426 consisting of small residential lots, limited neighborhood commercial, a post office, fire station, historic museum, community center and elementary school. The center is surrounded by 1 acre and predominantly 5 acre lot residential areas and agriculture.

Between 1990 and 2003, the Greater Geneva sub-area grew from 4,149 residents to 6,020.

Key Points of Interest:

- Focal point is the village of Geneva, at the intersection of SR 46 and CR 426.
- Uses include small residential lots, limited neighborhood commercial and civic uses in Geneva, surrounded by one acre and five acre lot residential areas and agricultural uses.
- Unique Historic Structures
- Primary roads serving the area include SR 46, CR 426, Snow Hill Road and Osceola Road.





Geneva Special Area



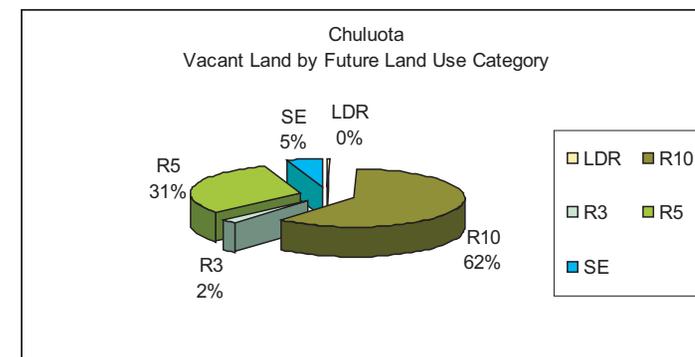
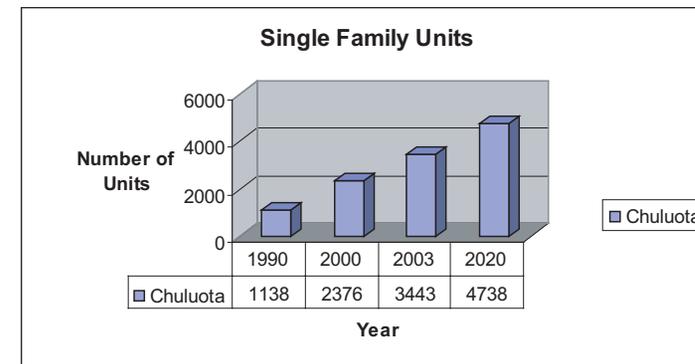
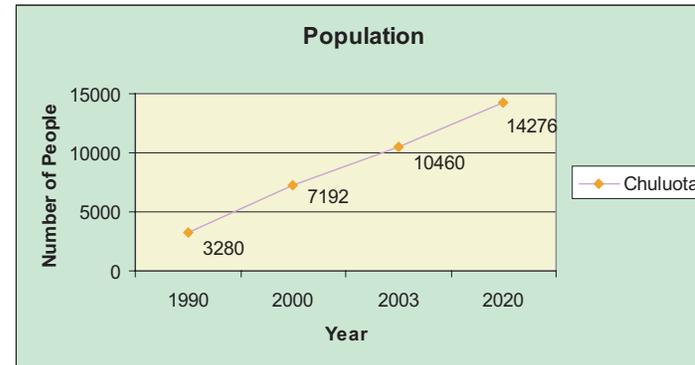
RURAL CHULUOTA

The Chuluota area is defined for this study as the portion of Seminole County east of Oviedo and south of the Econlockhatchee River. It includes the plats of North Chuluota and Lake Mills Shores. CR419 and Snow Hill Road are the major roads serving the area along with several paved narrow roads around Lake Mills.

Between 1990 and 2003, the Chuluota sub-areas grew more than three times faster than both Geneva and Black Hammock- from 3,382 to 10,460.

Key Points of Interest:

- Located east of Oviedo and south of the Econlockhatchee River
- Other uses include 1 acre and 5 acre residential lots and agricultural uses.
- Lake Mills Park (serves portions of Seminole and Orange Counties)
- CR 419 and Snow Hill Road are the major roads serving the area, with several paved roads around Lake Mills.





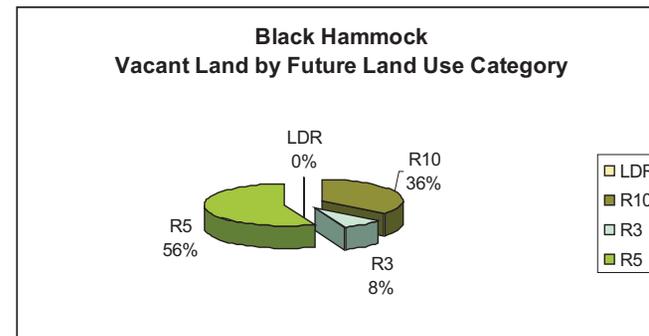
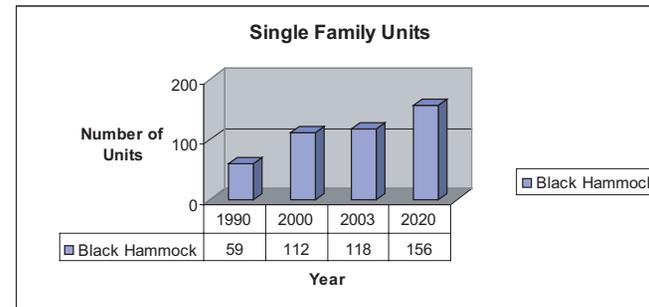
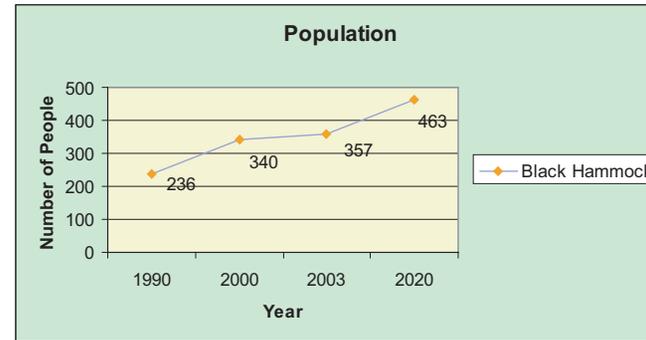
Chuluota Special Area

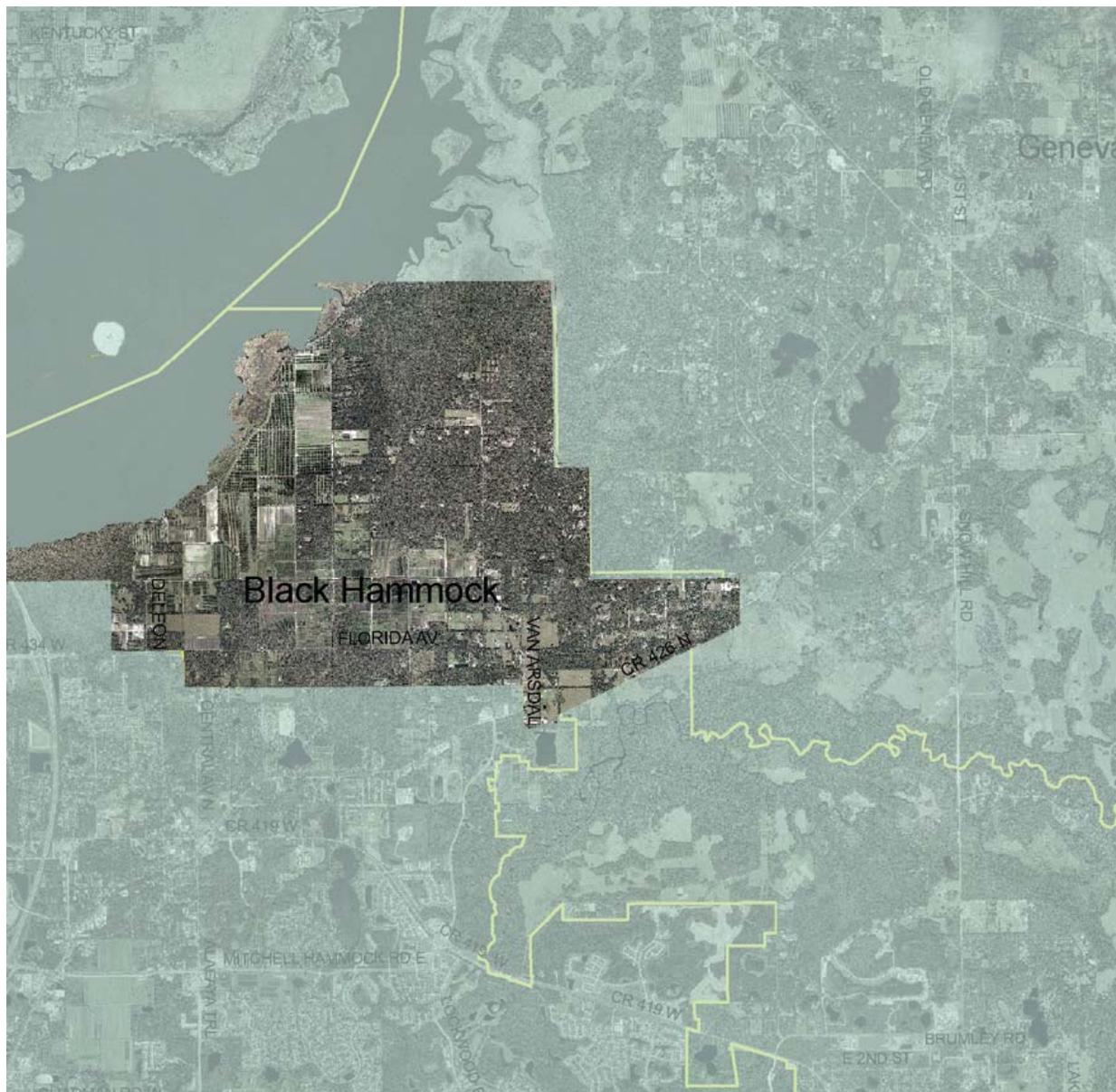


BLACK HAMMOCK

Black Hammock is located on the southeast shore of Lake Jesup, just north of Oviedo. It is relatively low flat area that has historically been agricultural. Home sites are generally 5 to 10 acres in a grid pattern delineated by dirt roads. Florida Avenue serves as the main paved collector road, running east-west through the south portion of the area. Commercial and community uses are generally available to the residents of Black Hammock within the City of Oviedo.

Due to its relatively small size, the residential population of Black Hammock will continue to become a smaller and smaller percentage of the total Rural Area population. Population projections prepared early in the study by the County's socioeconomic data consultant indicated that the Black Hammock was projected to increase another 30% between 2003 and 2020, from 357 persons to 463. However, due to projected growth of other communities, its share of the total Rural Area Population was projected to drop to 1.7% by the year 2020.





Black Hammock Special Area

COMMUNITY ISSUES AND EXISTING IMPLEMENTATION EFFORTS

During this study effort, the community participation process was designed to create an interactive and collaborative process within which residents, landowners, the County Commission, and County staff could work together to identify key issues facing the Rural Area of Seminole County. During 2005, the County conducted a series of four community meetings and stakeholder interviews to discuss issues and concerns of the Rural Area residents.

The key issues and comments that residents expressed during the series of community meetings include the following:

- Policy makers must channel growth into efficient forms through preservation and rural boundaries.
- Communities are more than a “subdivision, a sidewalk, and a school.”
- Optimum rural characteristics include: lack of street lights, dirt roads, horses, privacy, quietness, sidewalks, large tracts of land, wildlife, and locally owned businesses.
- Development seems to be crowding in from all sides.
- There is still time to preserve the rural character; “we are not too late”.
- Code enforcement is lacking and response time is poor.
- Underground power lines preserve the visual character.
- Gated communities have no place in the rural landscape.
- Over-regulation is bad.
- There should be transition areas between rural and urban areas.
- The piece-meal development of high density housing in the rural area must be stopped.
- Transitional land uses should be used to preserve the rural boundary.
- Large land holdings such as farms have the greatest potential for development and therefore “can ruin the rural character the fastest”.
- Rural lighting standards are needed to keep light pollution down.
- It is important to preserve the historic “flavor” of the rural areas.
- Widening County roads can negatively affect rural character.

The numerous community issues have been synthesized and are organized into seven major topic areas for ease of presentation and review. Each topic area addresses an integral element that is necessary to understand and maintain a rural lifestyle.

1. Urban Encroachment/Protect the Boundaries of the Rural Area
2. Water Supply
3. Existing Agriculture/Large Landholdings
4. Open Spaces, Viewsheds and Environmental Resource Protection
5. Residential Development
6. Non-Residential Uses
7. Rural Infrastructure

This section of the Study Report identifies each of the community issues by major topic area and includes a summary of existing implementation efforts that have either been accomplished by the County or other public agencies that support the community objective that is expressed within the topic area of concern or represents an ongoing commitment by the County or other public agencies toward an action, regulation or program.

TOPIC AREA 1: Urban Encroachment/Protect the Boundaries of the Rural Area

Issues

- Maintain Current Urban/Rural Boundary
- Protect and Create Edges of the Rural Area
- Maintain Rural Land Use Densities

The primary objective expressed within these issues is the need for the County to use all available mechanisms to reinforce the County's vision of the Rural Area as a rural community through 1) available legal instruments to ensure that the rural lands within the Rural Area are protected from urban encroachment through the protection of the location of the Urban/Rural Boundary, 2) the use of existing physical features to define the boundaries of the Rural Area, 3) the creation of physical boundaries or landscaping buffers to reinforce the boundaries of the Rural Area where such features are not existing today, and 4) the preservation and maintenance of the existing rural residential densities within the Rural Area.

Existing Implementation Efforts

The County has maintained a long commitment to the protection of the rural character of East Seminole County through the following efforts:

Comprehensive Plan

The County's adopted Comprehensive Plan (Vision 2020 Plan) includes the formal adoption of an Urban/Rural Boundary, as well as a specific Objective within the Future Land Use Element for the protection of the Rural Area, Objective 11: Preserve the Rural Lifestyles in East Seminole County, and a series of rural protection policies.

Establishment of Urban/Rural Boundary

The County's Urban/Rural Boundary was established in 1991 in conjunction with creation of the County's East Rural Area (Ordinance 91-13). The main purpose of the Boundary is to manage growth in East Seminole County by defining

the limits where urban services will not be extended; providing urban uses on those properties that abut municipalities in the event of future annexations; and ensuring compatibility between urban and rural land uses. The Boundary separates the more urban future land use designations, such as Low, Medium and High Density Residential, Commercial and Office, from the Rural designation series of Rural 3, Rural 5 and Rural 10. The Boundary also forms the foundation for both wetland regulations as well as for land use designations that are assigned throughout the County. Finally, the Boundary serves to protect the rural character and lifestyle of the Rural Area and underscores the achievement of sustainability and smart growth within unincorporated Seminole County.

Land Development Code (LDC)

The regulatory policies of the Comprehensive Plan are expressly implemented through the County's LDC through three (3) rural zoning classifications, Agriculture-3, Agriculture-5 and Agriculture-10, Rural Subdivision Standards, and the Scenic Corridor Overlay Zoning District.

Charter Amendment

In 2004 the Board of County Commissioners placed a charter amendment on the ballot for the November 2, 2004 election. The following provides the actual ballot language for the amendment:

Charter Amendment establishing rural area and preempting municipal comprehensive land use authority within rural area. Shall the Home Rule Charter be amended to establish a Rural Boundary and create a "Rural Area" of the County, authorize future changes reducing the size of the "Rural Area" by County ordinance; provide that the Future Land Use Designations established in the Seminole County Comprehensive Plan shall apply to all lands, incorporated or unincorporated, within said "Rural Area", authorize implementing ordinances, and provide that the Charter and implementing ordinances supersede conflicting municipal ordinances.

On November 2, 2004 the residents of Seminole County approved a charter amendment that:

- Promotes Cooperation among Cities, School Board and Seminole County working together to manage growth;
- Provides an additional level of review;
- Maintains the current process for amending the Rural Boundary – a majority vote of the County Commissioners at a public hearing

This amendment is currently the subject of litigation brought forward by the City of Winter Springs challenging various aspects of the ballot language.

Joint Planning Agreements

Joint Planning Agreements and/or annexation agreements address the establish-

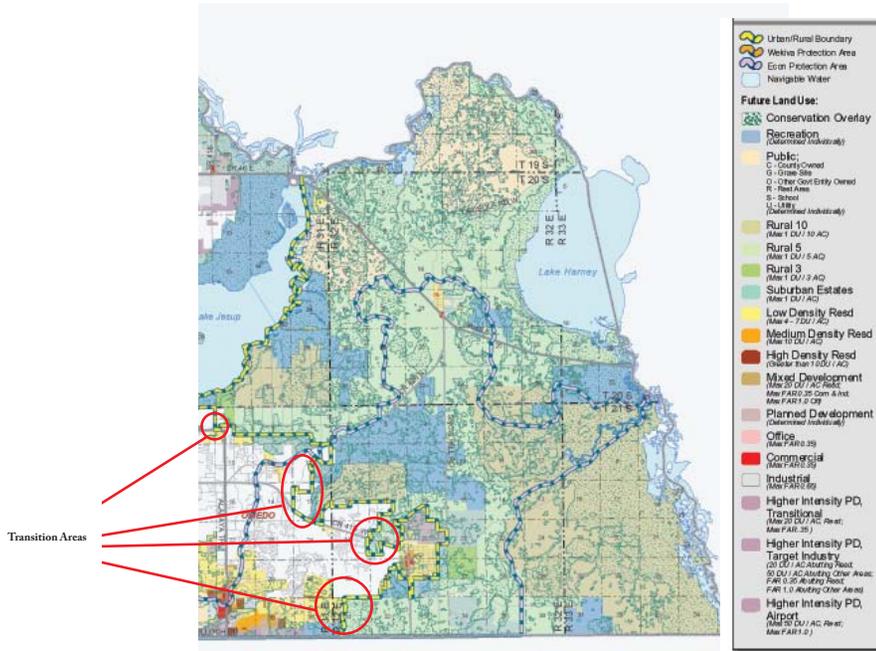
ment of future areas of municipal incorporation, and are additional tools to ensure the sustainability of the Urban/Rural Boundary.

The County has entered into Joint Planning Agreements (JPAs) with two of the three cities that are located along the periphery of the Rural Area. These include agreements with the Cities of Sanford (currently expired and in renegotiation) and Oviedo which include provisions that address coordination of services, facilities and land use compatibility. The City of Oviedo JPA specifically addresses properties that are adjacent to and location within the Rural Area. The County does not currently have a JPA with the City of Winter Springs.

Municipal Annexations across Urban/Rural Boundary

Since adoption of the major update to the Comprehensive Plan in 1991, the County has made strides in attempting to provide mechanisms to aid in inter-governmental coordination. Despite efforts by the County and many of the cities, conflict exists in specific instances where annexations by a city, coupled with land use/zonings to higher intensities, have occurred, or are underway, for lands that are identified in the Rural Area. In certain cases, the lands being annexed are in environmentally sensitive areas as identified in the County's Comprehensive Plan but are being annexed by cities with intended urban land uses and zoning. Not only is this a difficult situation to resolve among the local governments, this situation often results in resentment by adjacent land owners in the Rural Area who have relied on the County's commitment to rural land uses and protection of environmentally sensitive lands. It also results in a perceived undermining of the growth management efforts of the County.

Since establishment of the Boundary, the cities of Oviedo and Winter Springs have annexed across the Boundary into the Rural Area as shown on the attached map and table. Total area annexed is estimated at 342 acres; 270 acres by the City of Oviedo and 72 acres by the City of Winter Springs.



Annexations Across the Urban/Rural Boundary

The Oviedo Future Land Use designations do not appear to be in conflict with adjacent County designations. A large portion of the property along CR 419 is developed as general commercial and abuts properties that are part of the Little Big Econ State Forest. A small portion of property was annexed from the transition area as established by the City of Oviedo as set forth in the City of Oviedo/ Seminole County Joint Planning Interlocal Agreement (JPA) of 1999.

The properties annexed by the City of Winter Springs are within the joint planning area, future annexation area and transition area of the Oviedo JPA cited above. The County is continuing to monitor steps taken by the City of Winter Springs to redesignate and rezone these properties along DeLeon Street, and to ensure future land use designations and zoning classifications are compatible with the County’s adjacent Rural Area.

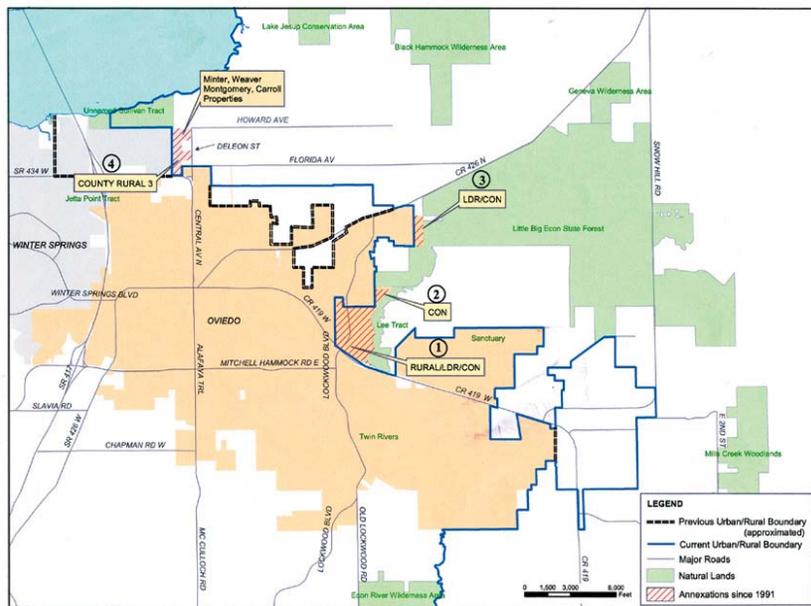
Seminole County Fiscal Impact Analysis Model (SCFIAM)

The County utilizes the SCFIAM. The basic Fiscal Impact Analysis Model (FIAM) was developed under a grant from the Department of Community Affairs for use by local governments and estimates the costs and revenues associated with land use decisions using a modified per capita approach. One of the most useful features of the FIAM model is its ability to function as a tool to examine the impacts of planning and permitting growth in one area of the community compared to another (ie. activity within the urban services area, or outside the urban services area).

Transitional Land Uses

The County’s Comprehensive Plan currently addresses transitional uses through Policy FLU 2.5 and Exhibit FLU-2, Appropriate Transitional Land Uses. The following information is excerpted from Exhibit FLU-2:

“The table is to be used as a general guide in evaluating compatibility between proposed and adjacent land uses. A transitional land use is any land use which functions as: (1) a transition through space by a gradual increase in development intensity between land uses (e.g., development of medium density residential between high and low density uses, or a low density development at an urban fringe between an urban area and surrounding general rural areas); and/or (2) transition through time by the conversion of residential uses to higher intensity residential and office uses where the character of an area has changed and the existing use is no longer an appropriate long-term use. Other provisions such as maintaining community character, availability of facilities and services and comprehensive plan policies will also apply to amendment requests.”



ANNEXATIONS ACROSS THE URBAN/RURAL BOUNDARY

Annexations Across the Urban/Rural Boundary

Annexation efforts have resulted in creation of need for transitions along the Rural Boundary.

PROPOSED LAND USE	ADJACENT LAND USE	
	RURAL	SUBURBAN ESTATES
Rural *	✓	✓
Suburban Estates		✓
Low Density Residential		✓
COMMERCIAL Public	○	○

✓Compatible Transitional Use

○Can be a compatible transitional use with sensitive site design such as transitioning lot sizes, sufficient buffers, limited building heights, architectural controls and limited hours of operation, limiting adjacent uses to passive, unobtrusive uses (.e.g., no dump sites, loading areas, lighting, noise, odor or hazardous materials). May require a MRO, MROC, MROCI, TI, PUD or PCD zoning to address these issues. Public use compatibility varies greatly with proposed uses. Because public uses support neighborhoods, these uses are appropriate near residential areas though special buffering may be required.

* Transitioning of land use (i.e., stepping down of land uses from higher densities to less intense uses) is ineffective in a rural area since it does not clearly identify the future limits of urban development, and will likely lead to urban sprawl. A clear and sharp distinction (e.g., establishment of urban boundaries) between rural and urban densities is considered more effective in protecting rural character.

Method of Calculating Residential Density

Currently the County Comprehensive Plan requires that residential density be calculated based upon net developable acreage. This methodology also serves to limit the overall number of residential units permitted with the Rural Area.

Provisions for Determining Residential Density

The Seminole County Comprehensive Plan (Vision 2020 Plan) and Land Development Code of Seminole County (LDC) provide the framework for calculating the density of residential development within unincorporated Seminole County, including the Rural Area.

Residential density is determined by dividing the number of dwelling units of a development by the net buildable acres within the development. Net buildable acres is defined as the number of acres within the boundary of a development excluding areas devoted to road rights of way, transmission power line easements, lakes and wetland or flood prone areas. In determining the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle an additional unit (see Definitions Section, LDC).

General Steps in Determining Density

The steps for determining net residential density may be described as follows:

Step 1 – Determine the net buildable acres within the boundary of the development by excluding areas devoted to road rights of way, transmission power line easements, lakes and wetland or flood prone areas.

Step 2 - Divide the number of dwelling units within the proposed residential development by the amount of net buildable acres within the proposed development.

For example, a 500 dwelling unit subdivision located on 165 gross acres. First, determine net buildable acres. In this example there are 65 net buildable acres, because 100 acres are devoted to road rights of way, a transmission power line easement, lakes, wetland and flood prone areas. Second, divide the 500 dwelling units by 65 acres to arrive at 7.7 units per net buildable acre.



TOPIC AREA 2: Water Supply

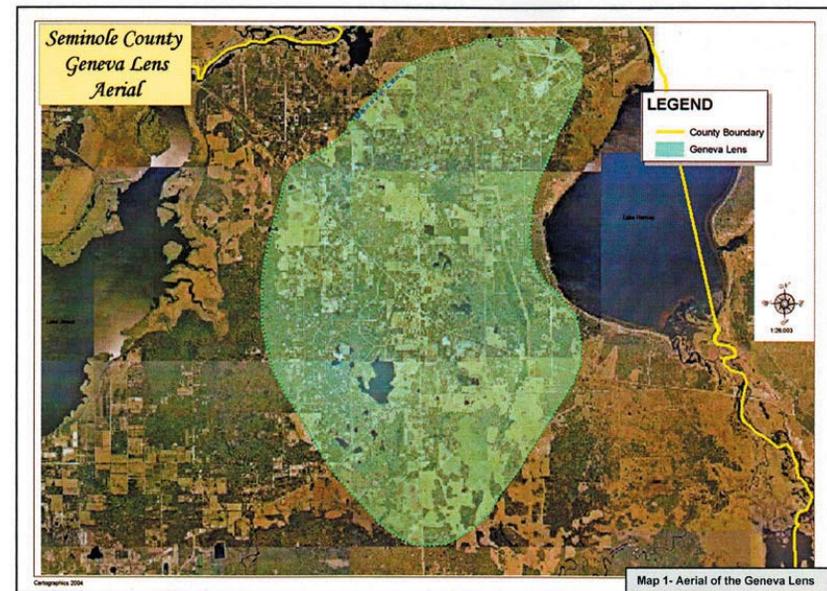
The primary objective expressed within these issues is the need for continued protection of the water supply within the Rural Area including the quantity and quality of the water supply and the need to limit the provision of central water services within the Rural Area for residential purposes only.

Issues

- Protect the water supply for the Rural Area, including the Geneva Lens.
- Maintain the Black Hammock Water Service Area for residential water supply as necessary.

Geneva Lens Study

The Geneva Freshwater Lens Task Force was created in 1993 and completed a report to the State Legislature identifying the effectiveness of existing programs and recommending corrective actions for any deficiencies discovered. These recommendations included water quality and quantity monitoring. In 2004, the County prepared the “Geneva Lens Study.” The Study reviewed water quality (chloride concentrations) and water levels that were monitored by St. Johns River Water Management District. The water quality and levels data from the monitoring of the wells reveal no degradation of water quality or levels in the freshwater Lens. However, monitoring will need to continue to ensure viability of the Geneva Freshwater Lens.



Source: Seminole County Planning Division/St. Johns River Water Management District

Geneva Lens

Water Service Area

Seminole County Environmental Services provides potable water services to some residents of the Black Hammock Area through a wholesale agreement the County has with the City of Oviedo. This wholesale agreement enables the County to connect to the City’s water system and purchase capacity on a wholesale basis. Both the City and County agree that neither party shall be responsible to provide and/or maintain water service capacity flows and/or pressures sufficient to guarantee fire flow in this rural area. The water is for household needs, not irrigation. In 2004, the County expanded the Black Hammock Water Service Area, again stipulating that the supply is for household needs only.

TOPIC AREA 3: Existing Agriculture/Large Landholdings

The primary objective expressed within these issues is the need for fair and equitable opportunities for development that are economically viable and which do not diminish the rural character of the area. In addition, the current residential densities of the land should not be diminished.

Issues

- There are large tracts of land that are currently undeveloped within the Rural Area that are held by a relatively small number of large landowners. These properties represent the most significant opportunities for future development (future development potential) which could have a significant impact on the rural landscape.
- Revisions to the Rural Area policies should not create an undue hardship or negative economic impacts to the families that have been exceptional stewards of this land for generations.

Existing Implementation Efforts

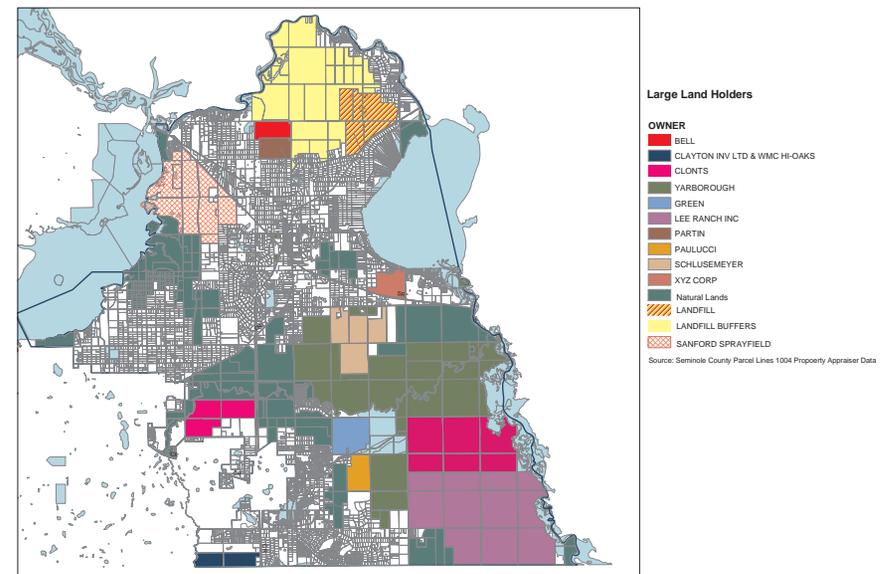
Purchase of Development Rights (PDR)

The St. Johns River Water Management District (SJRWMD) has been active in the Purchasing of Development Rights (PDR) Program. The ownership of land is usually considered to be the possession of a “bundle of rights” associated with that land. These rights include the right to possess, use, modify, develop, lease, or sell the land. Mineral rights constitute one of the items in the bundle with which most people are aware. If the mineral rights have been separated from the remaining items in the bundle, the owner is prohibited from drilling for oil or from mining the land. The right to develop a piece of land for residential, commercial, or industrial purposes is also a right within the bundle. The purchase of development rights involves the sale of that right while leaving all the remaining rights as before.

A PDR program is a voluntary program, where a land trust or some other agency usually linked to local government, makes an offer to a landowner to buy the development rights on the parcel. The landowner is free to turn down the offer,

or to try to negotiate a higher price. Once an agreement is made, a permanent deed restriction is placed on the property which restricts the type of activities that may take place on the land in perpetuity. In this way, a legally binding guarantee is achieved to ensure that the parcel will remain agricultural or as open (green) space forever. In this way, a legally binding guarantee is achieved to ensure that the parcel will remain agricultural or as open (green) space forever, and it is accomplished upon execution of the agreement when the agency retires the development rights.

The deed restriction may also be referred to as a conservation easement, or, since most PDR programs are designed to preserve agricultural use, an agricultural conservation easement.



Large Land Holdings

Rural cluster development options in the Comprehensive Plan

The County's Comprehensive Plan, Policy FLU 11.4 establishes Rural Cluster Development provisions as follows.

The County shall continue to enforce Land Development Code provisions relating to rural clustering designed to:

- A. Preserve open space along roadway corridors;
- B. Preserve open space in rural residential areas;
- C. Preserve natural amenity areas;
- D. Enhance the rural character of the area; and
- E. Ensure that development along roadway corridors improves or protects the visual character of the corridor by encouraging the clustering of dwelling units, as long as lots are no smaller than one (1) acre, with the perpetual reservation of the undeveloped buildable land as open space.

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

Rural cluster provision of the Land Development Code (LDC)

The LDC provides optional cluster provisions within the A-3, A-5 and A-10 zoning districts in order to preserve open space along roadway corridors, preserve open space in rural residential areas, preserve natural amenity areas, enhance the rural character of the area and ensure that development along the roadway corridors improves or protects the visual character of the corridor. Cluster developments are required to be located on the property so as to minimize incompatibility with neighboring lower density developments where homes are not clustered.

These standards provide that the minimum lot size shall be at least one (1) net acre of buildable land and permits a density bonus for cluster development within the A-10 zoning district which permits the density to be increased up to one (1) dwelling unit per five (5) net buildable acres when utilizing the clustering provisions.

Rural subdivision standards in the Land Development Code (LDC)

The LDC provides additional standards for rural subdivisions in addition to the County's standard subdivision requirements. These standards permit alternative street design standards for rural subdivisions, require individual lots to be designed to preserve the rural character of the area by locating lots and buildings to retain natural features of the site including, but not limited to, specimen trees and wooded areas and by minimizing any negative impacts and alteration of natural features to the extent practical, permit the exclusion of sidewalks, prohibit street lighting except for certain locations, and permit family subdivisions in A-10 zoning in an effort to facilitate the continuance of the family farm or ranch. Family subdivisions may be permitted which provide for no more than three (3) total lots or parcels based upon certain conditions.

TOPIC AREA 4: Open Spaces, Viewsheds and Environmental Protection

The primary objective expressed within these issues is the need to protect the significant natural resources and wildlife corridors in this area as well as large networks of open space.

Issues

- Tree Removal
- Protection of Wildlife Corridors
- Protection of important environmental resources

Existing Implementation Efforts

Protection of Open Space

The County protects open space areas through the Land Development Code (LDC) which includes the following regulations.

Arbor Ordinance

Purpose and Intent - The Seminole County LDC regulates tree removal under Chapter 60, Arbor Permits. The purpose and findings of the arbor permitting sections recognizes trees as environmentally important assets; that trees are “invaluable psychological counterpoint(s) to the man-made urban and suburban setting;” that trees “increase the value of property;” and that “tree removal impairs benefits to existing property owners of surrounding areas.”

Wetland Protection (W-1 Wetlands Overlay Zoning Classification)

Seminole County adopted a wetland protection program in the early 1980's. This program included the production of the Wetlands Overlay Zone, a Wetlands Field Guide, and wetland regulations in the Land Development Code. Since then, Seminole County has improved the natural resources database, including the incorporation of the SJRWMD wetland and natural community Geographic Information System (GIS) data set.

The development of planning standards for natural resources, along with detailed performance standards included within the County's LDC, established restrictions on development activities in wetlands. The SJRWMD has developed more comprehensive wetland policies since the mid 1980's including protocol for isolated wetlands, a statewide-wetland methodology, and detailed guidelines for mitigation. In addition to these efforts at the local and regional level, the U.S. Army Corps of Engineers (ACOE) has expanded their jurisdiction over isolated wetlands and reduced the acreage threshold for which an Individual Permit is required.

The purpose of W-1 Wetland Overlay is to protect the wetland functions of water quality enhancement, water quality management, climatic stability, wildlife and human use by:

- Minimizing the disruption of wetland functions by requiring a wetlands approval for development activities proposed within wetlands and their adjacent areas;
- Considering the impact of development activities on wetlands functions through the County land development regulation process;
- Regulating development activities according to wetland significance with the degree of protection afforded a wetland being in direct relationship to the significance of a wetland;
- Using performance standards as the basis for minimizing the impact of development activities on wetland functions;
- Providing for the multiple use of wetlands for compatible development activities which do not disrupt wetland functions; and
- Providing for development flexibility through the availability of mitigation/compensation measures where more beneficial environmental results can be achieved.

Econlockhatchee River Protection Overlay Standards

The Econlockhatchee River Protection Overlay District was enacted in 1991 as Part 57, of the Seminole County Land Development Code. These standards were created to establish general policies and guidelines for future development in the Econlockhatchee River Basin in order that the environmental integrity of the Basin will be placed in the forefront of all considerations relating to development proposed to occur in the Basin.



East Seminole County Scenic Corridor Overlay District

The Scenic Corridor Overlay District was enacted in 1992 as Part 55, Sections 30.1041-1046 of the Seminole County LDC and applies to major roads in the Rural Area.

The most prominent aspects of the development standards are:

- There is established a 200' setback from the centerline of major roads, as designated, for buildings, parking and outdoor storage. The setback is 50' for minor roads.
- All signs shall reflect rural character.
- Fences, gates, mailboxes, bus stops and entranceway features in the setback area shall be of natural materials, internally lighted, no taller than 4 and 1/2 feet, and less than 40% opaque.
- Landscaping materials shall be native plant species with a list provided.
- Existing canopy trees in the setback area can be removed only to provide access, unless the tree is diseased or otherwise unsafe.
- No clearing is permitted in the setback area without a permit.
- Residential uses and non-residential buildings on adjacent properties have separation standards of 200' unless specified buffering is provided.

Natural Lands Program

Through a voter approved referendum in November of 1990 a 20 million dollar bond was established to create the Seminole County Natural Lands Program (NLP). The primary purpose of this Program was to systematically assess, rank and purchase environmentally significant lands throughout the County. These lands are purchased to preserve and/or restore their important, ecological functions, as well as provide sites for passive, resource based, recreational activities. Since the inception of the program, Seminole County has purchased, through sole and joint acquisitions, just over 6,500 acres, and to date, opened several of these sites for public access including the Geneva and Chuluota Wilderness Areas within the Rural Area. The County continues to purchase lands under the NLP and to coordinate with other agencies in the preservation of lands in the Rural Area. Within the Rural Area, approximately 13,000 acres of land, almost 20% of the total land area within the Rural Area is currently protected.

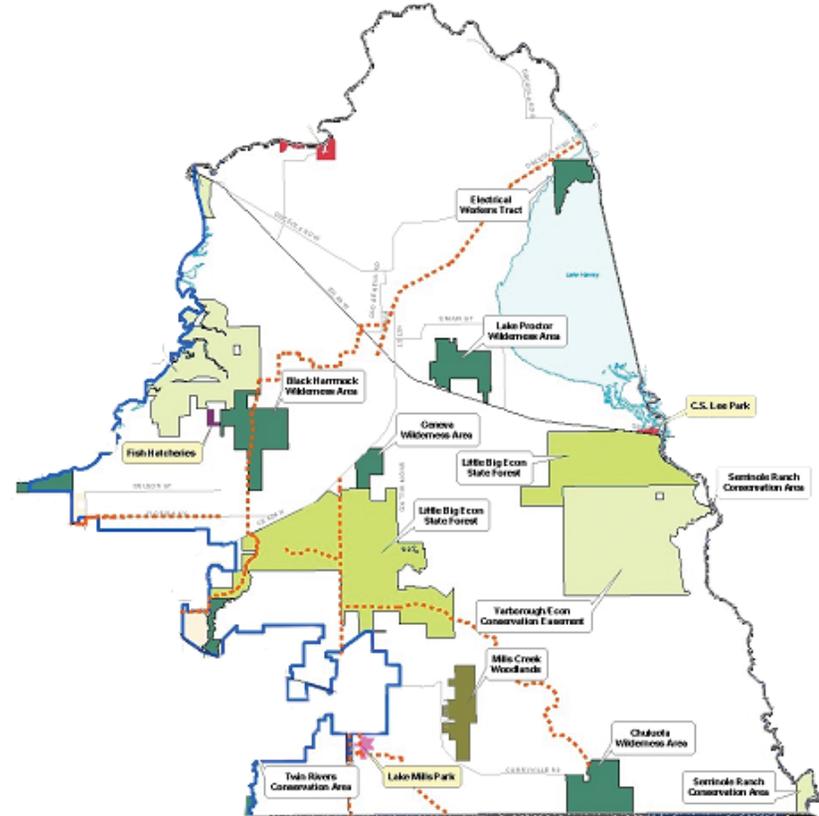


The rural corridor formal is generally characterized by natural habitats, agricultural uses, or other native vegetation along the rights of way.





Major Roads Scenic Corridor



Natural Lands

TOPIC AREA 5: Residential Development

The primary objective expressed within these issues is the need protect the rural character and lifestyle of this community through the preservation of rural residential design elements and the quality of these residential communities through code enforcement activities as needed.

Issues

- The introduction of suburban residential amenities into the Rural Area is detracting from the character of the area. The amenities include: gates, walls, fencing, entrance features and formal recreational uses.
- Code Enforcement activities need to balance the need for code enforcement that protects the community from egregious code violations while recognizing the Rural Area lifestyle.

Existing Implementation Efforts***Residential Subdivision Standards***

The County currently relies on existing regulations to provide guidelines and standards for all residential subdivisions. There are additional guidelines for rural subdivisions as described above.

Code Enforcement

The County currently addresses code enforcement violations based upon the receipt of individual complaints. Upon receipt of a complaint, the County addresses the correction of all violations in a proactive manner regardless of the location of the violation.

TOPIC AREA 6: Non-Residential Uses

The primary objective expressed within these issues is the need to protect the rural character and lifestyle of this community through the preservation of rural non-residential design elements and the quality of these non-residential uses through the appropriate level of design standards.

Issues

- Design: the design of currently permitted or allowed non-residential uses should not detract from the Rural Area.
- Historic Geneva has a special historic significance and the design of the structures within this area should be preserved.
- Uses: only nonresidential uses that complement a rural lifestyle should be permitted.

Existing Implementation Efforts

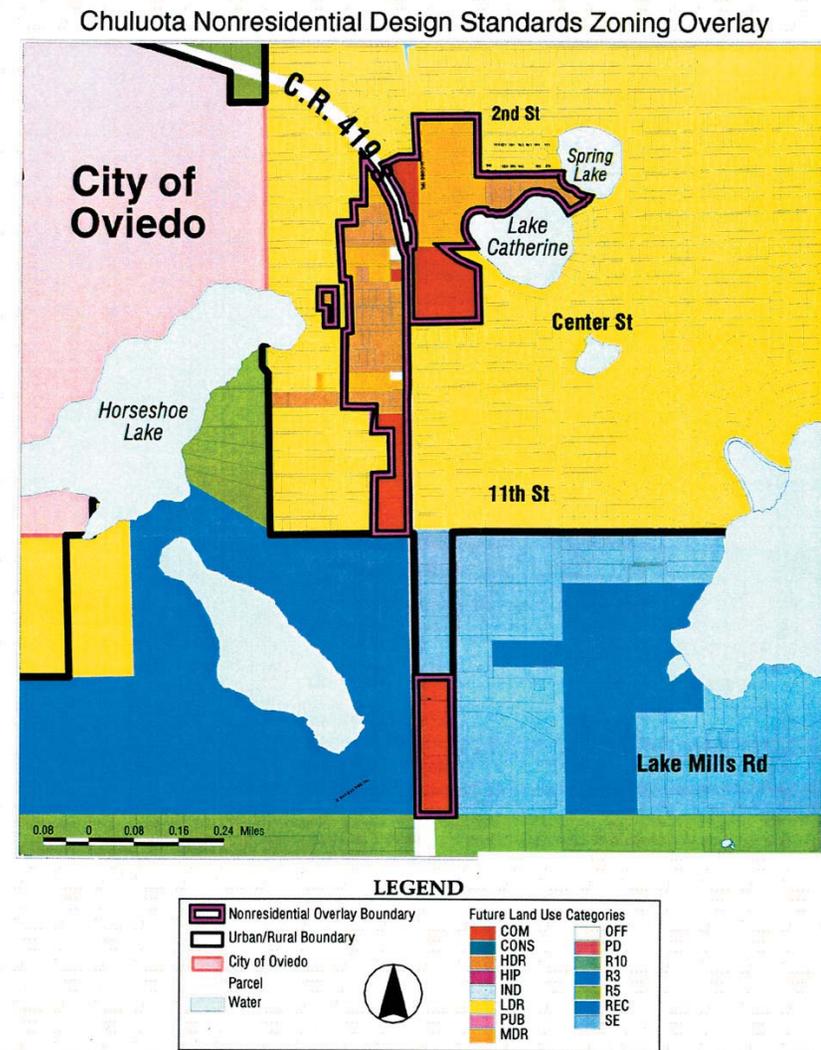
Chuluota Nonresidential Design Standards

The Seminole County Board of County Commissioners (BCC) approved the Chuluota Nonresidential Design Standards Zoning Overlay Ordinance on August 22, 2000. As a result of the Chuluota Small Area Study (1999), the Local Planning Agency (LPA) and BCC recognized that the existing nonresidential lands within Chuluota presented an issue for future development. At the BCC public hearing in January 1999, direction was given to study the currently designated nonresidential properties and develop rural design standards.

The Overlay establishes a set of design regulations and a design review process that provides a framework to guide new nonresidential development and redevelopment of properties and buildings within Chuluota (see the Chuluota Nonresidential Design Standards Zoning Overlay Map). The design standards are intended to protect the rural character traditionally found within the Chuluota area and preserve natural lands while allowing for context sensitive development, and also provide the County with a means of evaluating proposals to ensure that nonresidential development will protect the rural integrity of the Chuluota area.

Historic Structure Survey

The County received a State grant in 2004 to update the 1994 survey for historic structures in the Geneva area. The updated survey was completed in 2005.



TOPIC AREA 7: Rural Infrastructure

The primary objective expressed within these issues is the need to balance the need for providing adequate and safe infrastructure within the Rural Area and the need to continue to provide rural levels of service within the Rural Area. Specifically this balance should be met through: 1) the maintenance of a limited transportation network that is designed to serve rural communities; 2) ensuring that required improvements do not detract from the rural environment; 3) the protection of local residential roadways; 4) the balancing of the need to provide safe and adequate drainage (minimize flooding) while maintaining the current tree canopy which is primarily located in the drainage areas; and 5) the provision of multi-use trails within the Rural Area that are predominantly unpaved and that reflect and reinforce the rural character of the area.

Issues

- Major Roads: the Rural Area includes roads that function as a part of a regional network that includes SR 46. Potential widening of roads may affect the rural character.
- Local Roads: the paving of some unpaved roads within the Rural Area may have created an unintended consequence by providing local transportation options that affect driving habits and lead to increased traffic on these local streets.
- Stormwater: implement the improvements identified in the Master Drainage Basin Plans that have been completed within the Rural Area.
- Trails: support the establishment of a variety of types of trails within the Rural Area, including pedestrian and equestrian facilities.
- Fire Protection: maintain rural level of service for fire protection.

Existing Implementation Efforts

2025 Long Range Transportation Plan, MetroPlan

The Regional 2025 Long Range Transportation Plan (LRTP) includes 4- laning of SR 46 because it is an evacuation route. This expansion is not anticipated to occur prior to the year 2020.

County Transportation Efforts

The 4-laning of CR 419, south of Chuluota to the Orange County line, is scheduled for construction in the 2010 timeframe.

St. Johns River Water Management District

SJRWMD has purchased lands in the Black Hammock area as a means to address some of the stormwater issues associated with Lake Jesup.

Drainage Basin Studies

There are five (5) drainage basins within the Rural Area including Lake Jesup, Big Econ, Puzzle Lake, Lake Harney, and St. Johns. The County has conducted a drainage basin study for the Lake Jesup Drainage Basin which describes specific capital improvements that are necessary to improve the function of the drainage system in this Basin. There is no dedicated funding source for stormwater improvement in Seminole County.

Countywide Trails Program

On November 7th, 2000, Seminole County citizens, by a vote of 58%, approved a \$25 million bond referendum that will fund the development of a network of urban and wilderness trails throughout the County and provide additional funds for the acquisition of natural lands. A part of this program is the creation of a 20-mile network of wilderness trails including a section of the Florida National Scenic Trail, a 1,300-mile wilderness path, which runs from the Panhandle to the Everglades. The Flagler Trail and the Florida National Scenic Trail are located within the Rural Area.

Options for Rural Development Form

Seminole County's existing rural land use classifications (Rural-3, 5, 10) and their accompanying zoning districts (A-3, 5, 10) have adequately resulted in a rural form for the Rural Area. The need for additional rural protection primarily lies along the Rural boundary, where conflicts have arisen as adjacent suburban developments and annexations continue. These conflicts will continue to occur without adequate transitioning along the Rural Boundary that set a more permanent protection for existing rural subdivision and communities that lie to the east. Without large-scale transitions in place, the conflicts will continue to grow.

Several options exist that will accomplish proper transitioning of forms. These options have been presented in this report specific to transition areas that currently exist; however, these principles may be readily applied as other transition conflicts arise along the Rural Boundary. The first option, Transfer of Development Rights (TDR) is proposed as an appropriate transition method for the Black Hammock area. In the proper context, and following an evaluation of infrastructure capacity, a TDR program may provide a useful transition that results in permanent protection of existing rural subdivisions. As a part of the capacity analysis, it is recommended that existing funding programs associated with the Total Maximum Daily Load (TMDL) Program be evaluated for use in adding additional infrastructure associated with designated receiving areas.

The other recommended options for Area 1 Black Hammock, Area 2 Chuluoata Area, and Area 3 Along CR 419 Corridor Near Orange County Line are incentive based transitions that result in clustering at three dwelling units per acre adjacent to Rural-5, while allowing a significant percentage of open space adjacent to the existing rural subdivisions. These options are site specific and are only effective in the appropriate context, as presented in the map analysis of the three transition areas. A context must be created that identifies the objective of the transitions, including environmental protection and creation of a protective green buffer or appropriate density adjacent to the rural subdivisions.

This section of the report describes as Option 2 the application and standards for a Rural Cluster Subdivision and provides a compendium of examples of this type of cluster form.

Options for the rural areas not adjacent to the Boundary should continue to rely on the existing land uses, or a rural cluster subdivision should be implemented that preserves a minimum of 50% open space and clearly identifies the open space connectivity with regionally significant resources. Lot layouts for rural cluster subdivisions should be arranged in a contiguous pattern and scenic vistas should be protected. Platting should not be allowed into the open space areas, but allow for density increases to three dwelling units per acre, which will provide adequate incentives for creating a proper form.

This section also provides insight on two (2) existing developments including the Mills Cove subdivision and an existing platted area located in the Black Hammock that have been mentioned throughout the study process as acceptable rural forms.

OPTION 1: WHAT IS A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM?

Almost all communities want to preserve sensitive environmental areas, historic landmarks, open space or other features important to their way of life or their character. Sometimes, it is possible to achieve these goals through regulations alone. But often, elected officials prefer not to significantly reduce development potential, and, therefore property value, without offering compensation, regardless of whether or not it is legally required. In some communities, the voters are so committed to these preservation goals that they agree to tax themselves to raise the needed compensation. But in other communities, public support is not strong enough to raise the necessary dollars through taxation and other traditional funding sources.

Transfer of Development Rights (TDR) programs offer an alternative. TDR programs can be thought of as a way of encouraging the reduction or elimination of development in areas that a community wants to save and the increase

of development in areas that a community wants to grow. TDR programs allow landowners to transfer the right to develop one parcel of land to a different parcel of land. Generally, TDR programs are established by local zoning ordinances. In the context of farmland protection, TDR programs are used to shift development from agricultural areas to designated growth zones closer to municipal services. In a traditional TDR program, the areas that the community wants to save are designated as sending areas and the locations that the community wants to grow are designated as receiving areas. The parcel of land where the rights originate is called the “sending” parcel. When the rights are transferred from a sending parcel, the land is restricted with a permanent conservation easement. The parcel of land to which the rights are transferred is called the “receiving” parcel. Buying these rights generally allows the owner to build at a higher density than ordinarily permitted by the base zoning on the receiving parcel.

HOW DOES THE TDR PROGRAM PROCESS WORK?

Sending areas can be agricultural land, open space, historic properties or any other properties that are important to the community. In a traditional TDR program, sending area properties are rezoned to a form of dual zoning that gives the property owners a choice. The owners can choose not to participate in the TDR program and instead use and develop their land as allowed under the baseline option. Alternatively, they can voluntarily elect to use the TDR option. Under the TDR option, the sending site owner enters into a deed restriction that spells out the amount of future development and the types of land use activities that can occur on the property.

When that deed-restriction is recorded, the sending site owner is able to sell a commodity created by the community’s TDR ordinance called a transferable development right or a “TDR”. In a traditional TDR program, the TDR ordinance specifies the number of TDRs that the sending site owner can sell once the deed restrictions have been recorded. Typically, the community does not directly establish the price per TDR. However, if a TDR ordinance allows sending site owners to sell enough TDRs, the proceeds from these TDR sales can approximate the development value of the sending site. By selling their TDRs, sending site owners can be fully compensated for the development po-

tential of their property without having to endure the expense and uncertainty of actually trying to develop it. Also, when the sending sites have non-development income-producing potential, such as farming or forestry, the owners can continue to receive that income. That farming or forestry income is in addition to the proceeds from the sale of their TDRs.

In a traditional TDR program, receiving areas are places that the community has designated as appropriate for development. Often these areas are selected because they are close to existing development, jobs, shopping, schools, transportation, infrastructure and other urban services.

A traditional TDR ordinance creates a form of dual zoning for these receiving areas. Developers can elect not to use the TDR option provided under this dual zoning. Under the baseline option, they do not have to acquire TDRs but they also are limited to a lower, less-profitable level of development. Alternatively, under the TDR option, developers must buy and retire a specified number of TDRs in order to achieve a higher, more-profitable level of development. The price of TDRs is typically freely negotiated between willing buyers and sellers. But the TDR ordinance can influence the price through the number of TDRs that the sending site owners are allowed to sell. When TDRs remain affordable, developers are able to achieve higher profits through the extra development allowed under the TDR option despite the additional cost of the TDRs.

TDR programs are known as transfer of development credits (TDC) in California and in some regions of New Jersey. TDR programs are based on the concept that property owners have a bundle of different rights, including the right to use land, lease, sell and bequeath it, borrow money using land as security, construct buildings on property and mine it, subject to reasonable local land use regulations. Some or all of these rights can be transferred or sold to another person. When a landowner sells property, generally all the rights are transferred to the buyer. TDR programs enable landowners to separate and sell the right to develop land from their other property rights. TDR programs are most suitable in places where large blocks of land remain in farm use. In communities with a fragmented agricultural land base, it is difficult to find a viable sending area. Jurisdictions also must be able to identify receiving areas that can accommodate

the development to be transferred out of the farming area. The receiving areas must have the physical capacity to absorb new units, and residents of those areas must be willing to accept higher density development. Often, residents of potential receiving areas must be persuaded that the benefits of protecting farmland outweigh the costs of living in a more compact neighborhood.

WHO USES TDR PROGRAMS?

Most TDR transactions are between private landowners and developers. Local governments generally do not have to raise taxes or borrow funds to implement TDR programs. A few jurisdictions have experimented with public purchase and “banking” of development rights. A TDR bank buys development rights with public funds and sells the rights to private landowners.

TDR programs are used predominantly by counties, towns and townships. The 1981 National Agricultural Lands Study reported that 12 jurisdictions had enacted TDR programs to protect farmland and open space, but very few of these programs had been implemented. In the 1980s and 1990s, many local governments adopted TDR ordinances. A survey in the spring of 2000 identified 50 jurisdictions with TDR ordinances on the books. Three programs had been revoked. Despite the widespread adoption of TDR programs, only fifteen programs have protected more than 100 acres of farmland and only eight programs have protected more than 1,000 acres of farmland. Twenty-two programs, or 44 percent, have not protected any agricultural land. Since 1980 Montgomery County, Maryland, has protected 40,583 acres using TDR programs, or 60 percent of the national total (67,707 acres). Also, see the table entitled “Local Governments with TDR Programs for Farmland 2000” included with this section of the report.

Monroe County, Florida: A Case Study

Monroe County recently implemented a TDR program through their 2004 Comprehensive Plan Amendment Cycle in order to preserve valuable natural resources in the land-scarce Florida Keys. This program follows the creation of a tier system whereby the entire County was mapped and classified as Tier 1, Tier

2, or Tier 3 properties. Tier 1 property contains the highest quality environmental systems, and Tier 3 contains land that is either disturbed, or lacks sufficient environmental resources for consideration of protection. The tier system is used in conjunction with the TDR program to guide development into Tier 3 properties. This program allows development rights to be “transferred” off of parcels (sending parcels) and added to parcels elsewhere (receiving parcels). The program follows the format below:

- Any parcel can transfer development rights to any other parcel under the following conditions:
 - o The receiving parcel has an existing allowable density greater than or equal to the sending parcel.
 - o The receiving parcel has habitat quality that is less than or equal to the sending parcel.
- With the additional transferred rights, the density on the receiving parcel cannot exceed the Maximum Net Density designated on the Future Land Use Map for that parcel.
- Bonus transfers (greater than 1:1) can be given if transferring from specific areas of concern to high density and mixed use areas.
- Several designated islands with extremely critical habitats cannot receive TDRs.
- Several types of critical habitat are automatically designated as sending parcels.
- For tax purposes, the development rights of a sending parcel are still intact until the receiving parcel receives development approval utilizing the transferred rights.

The success of Monroe County’s TDR program revolves around three primary factors. First, they have established a firm goal to protect high quality natural areas from development, and created a tier map that identifies the quality of these systems. The implementation is the key to this program, however. They have adopted a new point system for residential and non-residential development that serves as the basis for selecting development applications. The goals

of this point system are strictly adhered to, which is essential, and the point system was created to accomplish the following:

1. Encourage the redevelopment and renewal of blighted areas;
2. Maintain and enhance the character of the community;
3. Protect natural resources;
4. Encourage a compact pattern of development;
5. Encourage the development of affordable housing; and
6. Encourage development in areas served by central wastewater treatment systems.

Comparison to Proposed Seminole County TDRs

With only a few exceptions, any parcel in Monroe County can be either a sending or receiving parcel for development rights. However, in the proposed Seminole County TDR program, sending parcels and receiving parcels should be designated beforehand. Receiving Zones and Sending Zones would be established to protect specific rural areas and cluster development in other specific areas. Goals of TDRs for Seminole County should be transitional or environmental protection-related.

WHAT ARE THE FUNCTIONS AND PURPOSES OF A TDR PROGRAM?

TDR programs can be designed to accomplish multiple goals including farmland protection, conservation of environmentally sensitive areas and preservation of historic landmarks. In the context of farmland protection, TDR programs prevent non-agricultural development of farmland, reduce the market value of protected farms and provide farmland owners with liquid capital that can be used to enhance farm viability. TDR programs also offer a potential solution to the political and legal problems that many communities face when they try to restrict development of farmland. Landowners often oppose agricultural protection zoning (APZ) and other land use regulations because they can reduce equity. APZ can benefit farmers by preventing urbanization, but it may also reduce the fair market value of their land. When downzoning is combined with a

TDR program, however, landowners can retain their equity by selling development rights.

WHAT ARE THE ISSUES TO ADDRESS WHEN DEVELOPING A TDR PROGRAM?

In developing a TDR program, planners must address a variety of technical issues. These issues include:

- Which agricultural areas should be protected?
- What type of transfers should be permitted?
- How should development rights be allocated?
- Where should development be transferred, and at what densities?
- Should the zoning in the sending area be changed to create more of an incentive for landowners to sell development rights?
- Should the zoning in the receiving area be changed to create more of an incentive for developers to buy development rights?
- Should the local government buy and sell development rights through a TDR bank?

One of the most difficult aspects of implementing a TDR program is developing the right mix of incentives. Farmers must have incentives to sell development rights instead of building lots. Developers must benefit from buying development rights instead of building houses according to the existing standards. Thus, local governments must predict the likely supply of and demand for development rights in the real estate market, which determines the price. TDR programs are sometimes created in conjunction with APZ. New construction is restricted in the agricultural zone, and farmers are compensated with the opportunity to sell development rights. Because the issues are so complex, TDR programs are usually the result of a comprehensive planning process. Comprehensive planning helps a community envision its future and generally involves extensive public participation. The process of developing a community vision may help build understanding of TDR and support for farmland protection. TDR programs are not always successful. If TDRs are not affordable, developers will not buy them because TDR costs will make the TDR option less

profitable than the baseline option. Similarly, if the TDR ordinance does not allocate enough TDRs to sending areas, the property owners may decline to sell their TDRs. And if a TDR program fails to generate transfers, there may be calls to remove it from a community's zoning code.

However, when TDR ordinances work, they provide a solution with multiple benefits. The developers achieve greater profits from the higher level of development. The sending site owners are able to liquidate the development potential of their properties while still using these properties for non-development and, in some cases, income-producing activities. And finally, the community itself is able to implement its preservation goals without relying exclusively on tax revenues and other traditional funding sources, which are often difficult to adopt.

WHAT ARE THE BENEFITS OF TDR PROGRAMS?

- TDR programs protect farmland permanently, while keeping it in private ownership.
- Participation in TDR programs is voluntary—landowners are never required to sell their development rights.
- TDR programs promote orderly growth by concentrating development in areas with adequate public services.
- TDR programs allow landowners in agricultural protection zones to retain their equity without developing their land.
- TDR programs are market-driven—private parties pay to protect farmland, and more land is protected when development pressure is high.
- TDR programs can accomplish multiple goals, including farmland protection, protection of environmentally sensitive areas, the development of compact urban areas, the promotion of downtown commercial growth and the preservation of historic landmarks.

WHAT ARE THE DRAWBACKS OF TDR PROGRAMS?

- TDR programs are technically complicated and require a signifi-

cant investment of time and staff resources to implement.

- TDR programs are an unfamiliar concept. A lengthy and extensive public education campaign is generally required to explain TDR programs to citizens.
- The pace of transactions depends on the private market for development rights. If the real estate market is depressed, few rights will be sold, and little land will be protected.

WHAT ARE THE LEGAL IMPLICATIONS OF TDR PROGRAMS?

The fundamental legal issue with Transfers of Development Rights (TDRs) is the claim that they constitute a taking without adequate compensation. The original purpose behind TDR was to mitigate the economic impact of extensive or total restrictions on the owner's use of land. However, the existence of a TDR program does not always prevent takings claims, and the local government must be prepared to respond to such challenges.

HOW CAN TDR PROGRAMS RELATE TO OPTIONS PROPOSED IN THE SEMINOLE COUNTY RURAL LANDS STUDY?

One of the guiding principles for Seminole County, known as “Florida's Natural Choice” is to preserve sensitive environmental areas, open space or other natural areas and features important to the way of life and character of the County. In context with the Rural Character Plan, TDR programs are proposed as a potential tool for the Black Hammock area to provide an appropriate transition from the more urban areas of the County. The major question that must be answered to properly implement a TDR program in this area includes the following:

- *Is the Black Hammock area capable of handling the additional density and associated impacts to public facilities (i.e., stormwater, transportation, road network improvements) that would be created with implementation of a TDR program?*

To answer this question, the County should conduct an infrastructure capacity analysis of the receiving area within the Black Hammock area to determine the feasibility of implementation of a TDR Program in this area.



Local Governments With TDR Programs for Farmland, 2000

State/County	Date Ordinance Accepted	Acres of Farmland Protected	Total Acres Protected	Notes
California				
Marin County	1981	670	670	Multi-purpose program Bonus rights awarded for development of agricultural water storage
San Mateo County	1986	40	40	
San Luis Obispo County	1986	0	0	Multi-purpose program, appraisals used to allocate development rights
Colorado				
Boulder County	1995	~2,800	~3,200	Multi-purpose program, mandatory program, bonus development rights awarded for available agricultural water rights
Connecticut				
Windsor	1993	0	0	Multi-purpose program
Florida				
Hillsborough County	1985	0	0	Multi-purpose program Multi-purpose program, original program created in 1980, substantially revised in 1992
Palm Beach County	1992	0	6573	
Idaho				
Fremont County	1991	0	200	Multi-purpose program
Maine				
Cape Elizabeth	1982	0	0	Multi-purpose program
Maryland				
Calver County	1978	8,000	8,000	Sending and receiving areas must be within 500 feet of each other
Caroline County	1989	NA	NA	
Charles County	1992	1,183	1,183	
Harford County	1992	NA	NA	
Howard County	1992	1438	NA	Multi-purpose program, county purchases and retires development rights
Montgomery County	1980	40,583	40,583	Mandatory program Multi-purpose program, rights can be used to increase residential density or to increase square footage or impervious surface area in non-residential applications
Queen Anne's County	1987	2000	2417	
St. Mary's County	1990	0	6	Multi-purpose program Multi-purpose program
Talbot County	1989	500	580	
Massachusetts				
Groton	1980	50	292	Multi-purpose program Rights can be used to increase commercial and industrial square footage and reduce parking requirements. An alternate mechanism allows developers to make cash payments into a farmland protection fund in lieu of buying development rights to receive the density bonuses
Hadley	2000	0	0	
Sunderland	1974	NR	NR	Multi-purpose program
Townsend	1989	0	0	

Local Governments With TDR Programs for Farmland, 2000

State/County	Date Ordinance Accepted	Acres of Farmland Protected	Total Acres Protected	Notes
Minnesota				
Blue Earth County	1977	~3,000	~3,000	
Montana				
Spring Hill Community, Gallatin County	1992	200	200	Mandatory program
New Jersey				
Chesterfield Township, Burlington County	1998	0	0	Multi-purpose program
Hillsborough Township, Somerset County	1975	0	0	
Lumberton Township, Burlington County	1996	563	563	Multi-purpose program Multi-purpose program, mandatory program
New Jersey Pinelands	1981	5722	19238	
New York				
Eden	1977	31	38	Multi-purpose program
Perinton	1993	56	82	
Central Pine Barrens (Long Island)	1995	NA	307	Multi-purpose program
Southampton	1972	0	232	
Pennsylvania				
Birmingham Township, Chester County	1978	0	0	Multi-purpose program
Buckingham Township, Bucks County	1975	280	280	
Chanceford Township, York County	1979	0	0	PROGRAM REVOKED
Codorus Township, York County	1990	40	40	
East Hopewell Township, York County	1984	NA	NA	PROGRAM REVOKED
East Nantmeal Township, Chester County	1994	0	0	
Hopewell Township, York County	1988	NA	NA	Point system used in allocation of development rights
London Grove Township, Chester County	1995	0	0	
Lower Chanceford Township, York County	1990	200	200	Transfers between adjacent parcels in common ownership only
Manheim Township, Lancaster County	1991	190	190	PROGRAM REVOKED
Shrewsbury Township, York County	1991	NA	~100	TDR bank under discussion
Springfield Township, York County	1996	0	0	Multi-purpose program Rights can be used to increase commercial/industrial building coverage and impervious surface area
Warrington Township, Bucks County	1985	0	0	
Washington County, Berks County	1994	0	0	
Utah				
Tooele	1995	0	0	
Vermont				
Jericho	1992	0	0	Multi-purpose program, mandatory program point system used for the allocation of development rights
South Burlington	1992	50	250	
Williston	1990	NA	NA	Multi-purpose program, mandatory program
Virginia				
Blacksburg	1996	23	23	Multi-purpose program
Washington				
Island County	1984	88	88	PROGRAM REVOKED
Thurston County	1995	0	0	

Source: American Farmland Trust, Farmland Information Center

WHAT IS A TOTAL MAXIMUM DAILY LOAD (TMDL)?

A TMDL is the maximum amount of a given pollutant that a water body can absorb and still maintain its designated uses (e.g., drinking, fishing, swimming, shellfish harvesting). Under Section 303(d) of the federal Clean Water Act and the Florida Watershed Restoration Act, TMDLs must be developed for all waters that are not meeting their designated uses and, consequently, are defined as “impaired waters.”

WHAT MAY SEMINOLE COUNTY EXPECT TO ACCOMPLISH THROUGH THE TMDL PROGRAM?

- **Cleaner Water** through more collaborative restoration efforts, with increased public involvement.
- **Better Use of Science** to understand how human activities affect water resources in specific locations and cumulatively throughout our watersheds.
- **Better Protection** for water bodies, as people give more attention to preventing and reducing human impacts on water resources.

How will TMDLs be developed and implemented?

TMDLs will be developed, allocated, and implemented through a **watershed-based management approach** (managing water resources within their natural boundaries) that addresses the state’s 52 major hydrologic basins in five groups.

Basins by Group				
Group 1 Basins	Group 2 Basins	Group 3 Basins	Group 4 Basins	Group 5 Basins
Ochlockonee/St Marks Ocklawaha Tampa Bay Everglades West Coast Lake Okeechobee Suwannee River	St.Lucie/Loxahatchee Lower and Middle St. Johns River Tampa Bay Tributaries Charlotte Harbor Apalachicola-Chipola	Lake Worth Lagoon/ Palm Beach Coast Upper St. Johns River Peace/Myakka and Sarasota Bay Caloosahatchee Choctawhatchee R/B and St. Andrews Bay	Pensacola Bay St. Mary's-Nassau Rivers Kissimmee River Fisheating Creek Southeast Urban Coast Withlacoochee River	Perdido River and Bay N.E. Coast Lagoons Indian River Lagoon Florida Keys Everglades Springs Coast

Each group undergoes a cycle of five phases on a rotating schedule:

Phase 1: Preliminary Evaluation – Conduct a preliminary basin water quality assessment; inventory existing and proposed management activities; identify management objectives and issues of concern; develop a strategic monitoring plan; and produce a preliminary Basin Status Report that includes a planning list of potentially impaired waters.

Phase 2: Strategic Monitoring and Assessment – Collect additional data; get data into FDEP’s Storage and retrieval database (STORET); complete water quality assessment; produce a final Basin Assessment Report that includes a revised planning list and a draft verified list of impaired waters for secretarial adoption; evaluate existing management plans.

Phase 3 :Development and Adoption of TMDLs – Develop TMDLs for impaired waters and adopt them by rule.

Phase 4: Development of TMDL Management Action Plan – Develop plan (including pollutant load allocations) with broad stakeholder participation, using existing management plans where feasible.

Phase 5: Implementation – Carry out rule development, as needed; help secure funding; inform the public and others; monitor and evaluate Management Action Plan implementation.

YEAR	00	01	01	02	0	03	0	04	0	05	0	06	0	07	0	08	0	09	0	10
Group 1	PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5	
Group 2			PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3		PHASE 4	
Group 3					PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3	
Group 4							PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2	
Group 5									PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1	

IN CARRYING OUT THE TMDL PROGRAM, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WILL:

- Rely as much as possible on existing local, state, and federal data, programs, plans, and projects
- Solicit a broad range of stakeholder involvement
- Work to report water resource data as accurately as possible

WHO WILL BE AFFECTED AND HOW?

Pollutants can enter a water body through point source discharges (generally from a specific facility) or nonpoint discharges (e.g., stormwater runoff, septic tanks). Government agencies, businesses, organizations, and individuals who contribute to these discharges will be asked to share the responsibility of attaining TMDLs through load allocations (the amount of a specified pollutant allotted for discharge) that are based on an established TMDL. Those potentially affected, and the actions they may be asked to take to help achieve a TMDL, are summarized below.

Potentially Affected Stakeholders	Actions to Achieve TMDL
Municipal stormwater/wastewater programs	Reduce and treat urban stormwater runoff through stormwater retrofits, replacement of septic tanks
Commercial developers, homebuilders, individual home owners	Improve development design and construction, enhance best management practices, replace septic tanks
Municipal and industrial wastewater treatment facilities, NPDES permitted facilities	Reduce pollutant loadings from permitted discharges
Farming and silviculture operations	Reduce and treat runoff through best management practices
Federal, regional, state agencies; regional and local water quality coalitions	Carry out water body restoration projects

WHAT ARE SOME OF THE BENEFITS OF THE TMDL PROGRAM?

As part of a watershed-based management approach, the TMDL program will:

- **Produce better monitoring and more effective use** of existing and new water quality information.

- **Provide restoration and prevention targets** and define responsibility for management actions.
- **Build on and enhance existing restoration efforts** of local governments, water management districts, established coalitions, the Department, and others.
- **Focus funding and other resources** on priority water resource problems.
- **Trigger improvements in stormwater management** by local governments, industry, agriculture, private developments, businesses, and others.
- **Stimulate new approaches to land use design and development** that minimize associated water resource problems.

The TMDL Program and Seminole County

Several water bodies in Seminole County have been classified as “impaired” through the TMDL Program, but only Lake Jesup is relevant to this discussion. Lake Jesup is located in central Seminole County and is over 10,000 acres in sized. Its floodplain covers over 16,000 acres and its watershed encompasses over 87,000 acres. The Lake’s watershed contains both highly urbanized land, including parts of 11 municipalities, and very rural land, used for agriculture and habitat preservation.

Lake Jesup is a Class III water body, primarily used for recreation, and wildlife habitat. Based on its classification and the findings of the Phase II report, Lake Jesup has been identified as impaired by elevated nutrients (total nitrogen and total phosphorous) and un-ionized ammonia. The table attached at the end of this discussion is an excerpt from the Middle St. Johns Verified Table dated 5-13-04 and shows information about the findings from Phase II of the TMDL project.

The TMDL Program for Lake Jesup is now in the final stage of Phase III. A Proposed TMDL report was completed in September 2005 by the Florida Department of Environmental Protection and the EPA, and is awaiting final approval. The report confirms that nutrient and un-ionized ammonia levels are

impairing the Lake's use for recreation and habitat.

Stormwater runoff, septic tanks, and nitrogen fixing bacteria were found to be the main sources for the pollutants since no wastewater treatment facilities discharge directly into surface waters in the basin. Due to special chemical and biological conditions in the lake, no TMDL was proposed for un-ionized ammonia, while TMDLs for nitrogen and phosphorous were set at 252,600 kg/year and 21,400 kg/year respectively.

Rural Lands Study and Transfer of Development Rights

The impaired state of Lake Jesup and the resulting TMDLs that are expected to be implemented are important to consider in the Seminole County Rural Lands Study. Several rural areas addressed in the study such as the Black Hammock are located within the Lake Jesup Basin and would be subject to actions imposed in the Phase IV Management Action Plan.

A potential strategy recommended by the Rural Lands Study is the implementation of Transfer of Development Rights (TDR) in the Black Hammock area. In order to maintain preserved rural land, the development rights on designated "sending" parcels can be sold to designated "receiving" parcels. The total number of development rights will not change, but the density will be increased.

The TDR concept could positively impact the impaired state of Lake Jesup since the increased density would make urban services more feasible within the receiving areas. It would be much more viable and cost effective to provide stormwater and wastewater facilities for development clustered around existing nodes in the rural areas. Stormwater runoff and septic tank usage could then be reduced in both new and existing development. Funds to implement such improvements may be more forthcoming from state and federal sources if such a link can be made between the TDR program and the TMDL Program, and should be considered during any infrastructure-related carrying capacity evaluation of TDR's in the Black Hammock.

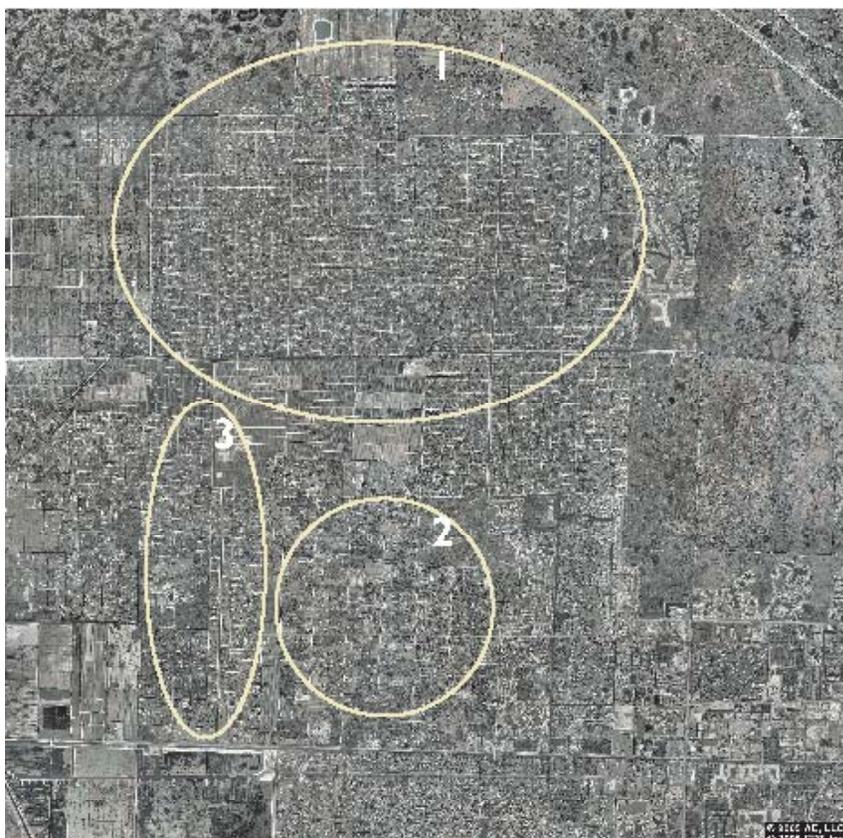
References

US Environmental Protection Agency, Proposed TMDL Report For Nutrients and Un-ionized Ammonia in Lake Jesup, September 2005.

OPTION 2: RURAL CLUSTER DEVELOPMENT STANDARDS AND PRINCIPLES

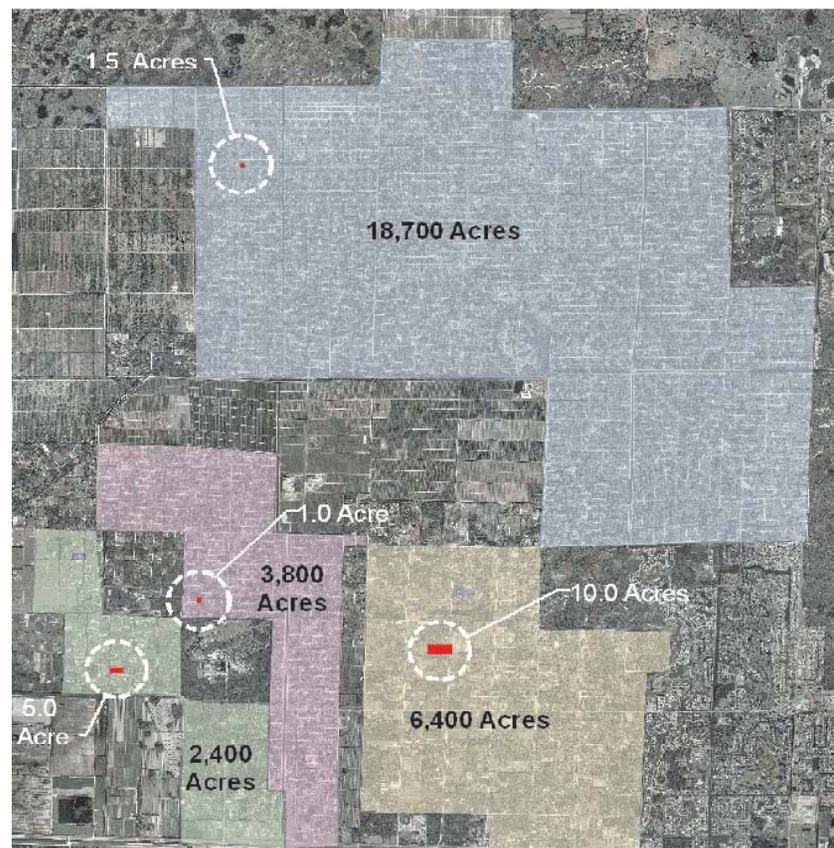
When analyzing the options for the protection of rural lands and rural neighborhoods, one must ask the question, “Is it just a question of density?”

Can you guess the density of these areas?



Remember...

There are 23,040 acres in a “Township.”



Form also plays a significant role in the long term protection of rural attributes such as roadways, entranceways and viewsheds. In an effort to provide an alternative subdivision design form to help protect Rural Seminole County, we recommend the use of some Rural Cluster Development options. A Rural Cluster Development is defined as a rural residential development where fifty percent (50%) or more of the land is designated as undivided, permanent Open Space that may include active agricultural production. The remaining developable land is subdivided into buildable lots.

Rural Cluster Subdivision Intent

Rural Cluster Subdivisions are an alternative development option that allows for the clustering of housing units in rural areas and creates permanently protected Open Spaces and/or Agricultural lands that can be added to the interconnected network of conservation lands, agricultural lands, and open space.

The primary purpose of a Rural Cluster Subdivision is to provide greater flexibility and creativity in the design of rural residential developments in order to achieve the following objectives:

- Allow the production of agriculture uses to allow for economic viability within the Rural Area;
- Create or add to an interconnected network of conservation lands and protected open spaces which extend beyond the individual subdivision boundary and function as a part of a regional conservation strategy, where appropriate.
- Create an intact, interconnected network of protected open spaces within an individual subdivision and minimize the total amount of development on a site;
- Minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors; and
- Minimize the disturbance to the rural landscape elements, preserve scenic views and existing open vistas and protect the integrity of the existing rural community character.

Rural Cluster Subdivisions are composed of two components:

- Open Space
- Residential development

OPEN SPACE STANDARDS

Standards that guide the location of required open space within an individual development site are necessary and important to reinforce the goals and objectives of the Rural Area and should include provisions to:

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

RESIDENTIAL DEVELOPMENT STANDARDS

Additional guiding principles for the location and form of the residential development are designed to reinforce the environmental and land use compatibility issues that are sometimes raised when you cluster uses within rural areas. Residential lots should:

- Be arranged in a contiguous pattern
- Minimize disturbance to natural features
- Protect and preserve the rural appearance of land when viewed from public roads and from abutting properties
- Minimize the amount of road length required for the subdivisions
- Individual lots shall not be platted into the required open space

Conservation Subdivision Compendium

A more common planning/professional term for Rural Cluster Subdivisions is “Conservation Subdivisions.” The following Conservation Subdivision Compendium contains a summary of six built conservation subdivisions in the Northeast United States and the state of South Carolina. The following elements are identified: objectives for preservation, open space acreage, number of lots, development period for construction, economic value added, site plans and photographs.

Assabet Estates – Open Space Community

Location: Westborough, Massachusetts

Objectives: Preserve 74% of the total parcel as open space including areas along the Assabet River and the SuAsCo Reservoir. Other objectives include preserving an old stone “cow chase”, maximizing viewsheds from many parcels, reducing roadways from occupying 2,453 feet to occupying 1,679 feet, and reducing lot sizes from 50,000 square feet to 15,000 square feet.

Lots: 18 single family lots (15,000 square feet each)

Open Space: 74% (24 acres) of the 32.6 total acres was preserved as open space. The open space will eventually be owned and managed by the homeowners. Officially, the open space had to be placed under a Conservation Restriction granted to the town and approved by the state Executive Office of Environmental Affairs. A Homeowners Association was created to manage the property and maintain the open space.

Zoning: Assabet Estates lies in the Residential Zoning District which requires any developer wishing to subdivide property in this district into 6 or more lots must prepare and file an Open Space Community Concept Plan. The developer must then present the Concept Plans for an Open Space Community and a conventional community. Two public hearings are then held. At the first public hearing the Planning Board will review the two plans and decide which one the developer can build. If an Open Space Community is recommended, the Board will grant the developer a Special Permit with conditions.

Development Period: 1993-1994

Economics: Because the Planning Board chose a conservation community, the developer was able to save money through reduced infrastructure costs resulting from creating smaller roads, reducing the requirements for two-side sidewalks and street lighting. Assessors believe that in Westborough people pay the same amount of money for similar size homes on smaller and larger lots because of the added benefits of the open space.



Historically used by farmers to lead cattle to water, an old stone cow chase was preserved in the open space and remains a prominent aesthetic feature.



The wild meadowland open space separates two cul-de-sacs.



The community included two as-of-right lots on an existing public way. Views of Mill Pond and a preserved meadow can be enjoyed from the rear of one of the lots.



Clustered houses are hidden behind pre-existing forest close to the water's edge along Edward Dunn Way.



Upon entrance to Assabet Estates, the edge of the preserved meadow and the Mill Pond dominate the view instead of houses.



Roads are 24' wide and granite curbing was not required or necessary.

Bellows Farm – Open Space and Landscape Preservation Development

Location: Acton, Massachusetts

Objectives: Provide a mix of house lots from ¼ acre to one acre. Also, Bellows Farm created affordable housing (4 single family units), provided use of a centralized wastewater treatment plant, incorporated Exclusive Use Areas, and added open space with trail connectivity.

Lots: 117 3-4 bedroom homes, 351 total bedrooms

Open Space: 65.6% (154.07 acres) of the total 235 acres was set aside as protected open space. The open space is used as passive recreation, drainage and utility easements, conservation purposes, storm water drainage, and active recreation including a pool and sports complex.

Amenities: Exclusive Use Areas were created to provide residents with the privacy of an individual lot with all the benefits of a community association. Each owner is responsible for the upkeep of all patios, decks, walls, entrances, stairs, recreational facilities, lawns, plantings, shrubs, pipes, wires, meter areas, roof, and facilities of every kind situated on the lot.

Development Period: 1982-1997

Economics: Although the developer of Bellows Farm, Northwest Development, did not have trouble obtaining financing the project due to their proven track record they did experience considerable timing issues. These problems were due to the fact that brokers and lenders were not as familiar with the concepts of cluster development and perceived the venture as risky. Effective floor area, not gross lot size, was the strongest determinate of price in Bellows Farm. Due to the Effective Use Areas, appraisers generally viewed the cluster development as a condominium-style complex. This led to below-market appraised values. To fix this problem Northwest Development worked with the Appraiser's office to implement a plan to compare the values to the actual units within the development rather than the EUAs.



Townhouses along Blue Heron Way.



A clubhouse, in-ground pool and tennis courts and included in the central community open space area.



Private recreational amenities and landscaping being used by the condo owner in the same manner as a privately owned backyard shows the idea behind EUAs.



A common driveway measuring approximately 12-14 feet in width serves 5 homes.



Single family homes along Longmeadow Way.

Canterbury Farms – Cluster Subdivision

Location: Amherst, Massachusetts

Objectives: Preserve and restore an old farmhouse, create affordable housing (4 single family units), provide a variety of house and lot sizes, minimize curb-cuts by using common driveways, maximize viewsheds from several parcels, provide infiltrating catch basins to protect farmland from runoff, reduce frontage and provide a trail network

Lots: 15 (ranging from ½ acre to 2 acre lots; 4 affordable)

Open Space: 35.2% (9.2 acres) of the 26.1 total acres has been preserved as protected open space. The developer formed the Canterbury Farms Property Owners Trust, which is a non-profit organization with the goal of conserving and maintaining open space. The land is not under conservation restriction and it is not accessible to the public.

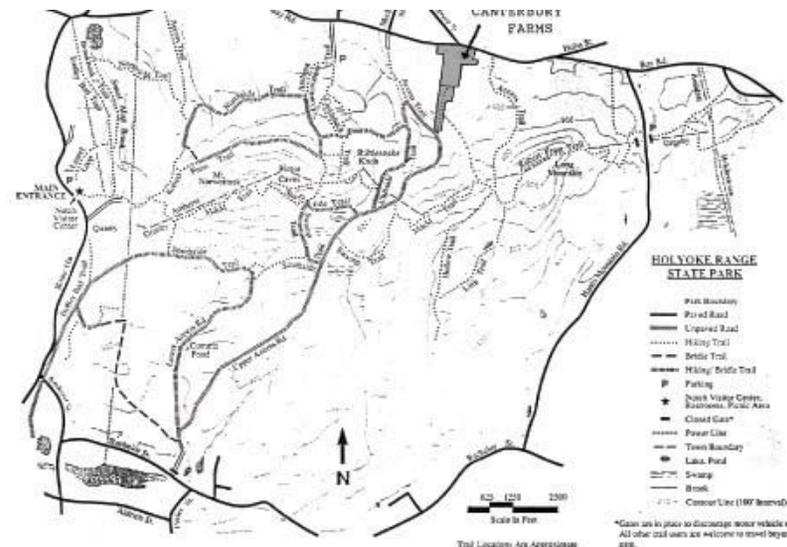
Amenities: A trail system was created to connect the homes in the subdivision to a larger trail system located throughout the abutting Holyoke Range State Park. The developer also marketed the Canterbury Farms Property Owners Trust as an open space area accessible to all residents.

Development Period: 1989-1990

Economics: The reduction of road infrastructure costs resulted in substantial savings for the developer. The affordable units were pre-sold to acquire financing for the project. The profitability of the project was further increased by added premiums to lots with open-space views.



An access trail at the top of a cul-de-sac winds through the open space and connects to the larger trail system of the Holyoke Range State Park.



Old North Mill – Open Space and Landscape Preservation Development

Location: Hopkinton, Massachusetts

Objectives: Protect wetlands as open space and create a cluster design maximizing the value of the preserved open space.

Lots: 34

Open Space: 51.93% (51.99 acres) of the 100.11 total acres has been preserved as protected open space. The open space acreage is owned by the Hopkinton Area Land Trust, a public non-profit created to preserve, manage, and protect the land in Hopkinton. All of the 16.15 acres of wetlands found on the original parcel were donated to the Hopkinton Area Land Trust because these lands are the most sensitive and require the most protection. The open space parcel does not connect to any other open space but does feature a publicly accessible trail system with parking.

Development Period: 1988-1997

Economics: Rather than build an additional nine approved lots, the developer donated the 20.24 acres to a local land trust and received tax benefits that further ensure the profitability of the project. Infrastructure costs were reduced by using dead-end streets and reduced pavement width. Premiums were charged for lots abutting internal subdivision roads and open space.



A 20 foot wide, single-sided sidewalk on a dead end road in Old North Mill.



Clustered homes are surrounded by preserved common open space.



Spring Island

Location: Spring Island, South Carolina

Objectives: Preserve the largest live oak forest on the Eastern seaboard; minimize impacts on coastal areas and marshes.

Lots: 400

Open Space: Approximately 1,200 acres of the 3,000-acre site are managed under a conservation easement. This easement was created by the Spring Island Trust which is a Community Stewardship Organization dedicated to preserving Spring Island's natural environment and history. The Spring Island Trust also employs naturalists who conduct nature tours and consult with homeowners regarding maintenance of the natural environment. The Trust is funded by an initial 1.5% fee on lot purchases and a 1.0% fee on sales thereafter, provided by deed restrictions. The open space is most commonly used for hiking, golf, equestrian activities and fishing.

Amenities: Spring Island's forests, salt marshes, and open fields feature native flora and fauna. Nature watching is very popular throughout the preserved areas. The developed area features an Arnold Palmer designed golf course named Old Tabby Links. Last year the course was ranked 19th out of the 100 top residential courses by Golf Week Magazine. The community also features areas for tennis, boating and equestrian activities. Tours are also guided to an off-site hunting preserve.

Economics: Spring Island has been successful because of its responsible nature of development and its high-quality golf courses. Unfortunately, property within this community is expensive due to these features. Home prices range from \$1 million to \$3 million and lots range from \$250,000 to \$1 million.



A house in Spring Island surrounded by open space trees.



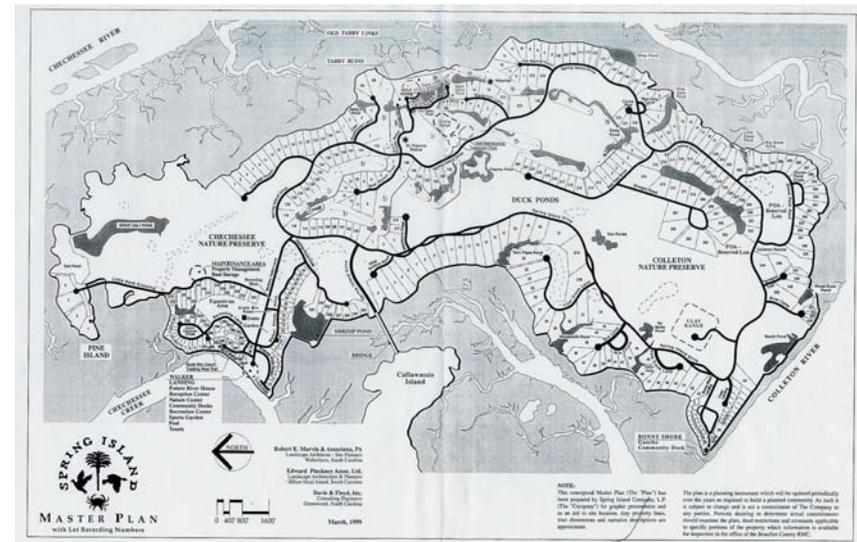
Trees beyond this home have been preserved while the developed land takes advantage of the waterfront.



A wide trail contributes to the public enjoyment of the preserved open space.



A community center is nicely located along a waterfront preserve.



Palmetto Bluff

Location: Bluffton, South Carolina

Objectives: Preserve pristine land on the East Coast including forest areas, wooded trails, historical areas and Low Country atmosphere. Feature and protect natural fauna and flora.

Lots: A total of 2,917 units have been approved on approximately 12,627 acres. Phase 1 includes the Headwaters which consist of 10 family compounds ranging from 14 to 31 acres, the May River Forest which consists of approximately 240 home sites ranging from ½ to 8 acres, and the Village which consists of approximately 250 home sites ranging from ¼ to 2 acres. Palmetto Bluff also features an upland tract consisting of 150 units and Phase 2 consisting of 2,035 dwelling units.

Open Space: Approximately 33% of the 20,000 acres in Palmetto Bluff have been preserved through covenants and restrictions in perpetuity. The open space consists of 6,500 acres of managed forest and 394 acres of conservation easements. Trails wind through the conservation areas and connect all residential neighborhoods to The Village, the Inn & Spa, and the Golf Club. The open space is managed by a non-profit organization named the Palmetto Bluff Conservancy. It is responsible for protecting the conservation easements, educating residents, educating developers and assisting with resource protection.

Amenities: Palmetto Bluff features a commercial riverfront area called The Village as well as the Inn & Spa Resort. Other activity centers include a golf course, kayak and canoe club, Nature Center, Natatorium and a children’s activity center.

Development Period: 2000-2004

Economics: Sales in Palmetto Bluff reached \$52 million in 2003 and \$72.5 million in 2004. The economy of Bluffton has benefited from the development in numerous ways. The developer estimates that construction and development expenditures have exceeded \$100,000,000 and employment and payroll expenditures have topped \$37,000,000. Palmetto Bluff is an upscale conservation community. Lots generally sell for prices between \$250,000 and \$4.75 million. Homes are priced in the range of \$975,000 to \$2.5 million.



Common open space is used as a gathering place for residents and friends.



This road exhibits rural character with its minimal width and lack of sidewalks. Trails wind through the open space and eliminate the needs for sidewalks along roadways.



Community docks allow residents to enjoy the natural Low Country atmosphere.



Residents have the opportunity to sit in the sun in the common area behind a clubhouse.



Seminole County Existing Development Forms

During the course of stakeholder meetings in which rural character was the focus, two areas have continued to surface as acceptable development forms for the Rural Area: Mills Cove Subdivision located in Chuluota, and an area in the Black Hammock known as B. Drew's First Amendment to Black Hammock Plat.

Mills Cove

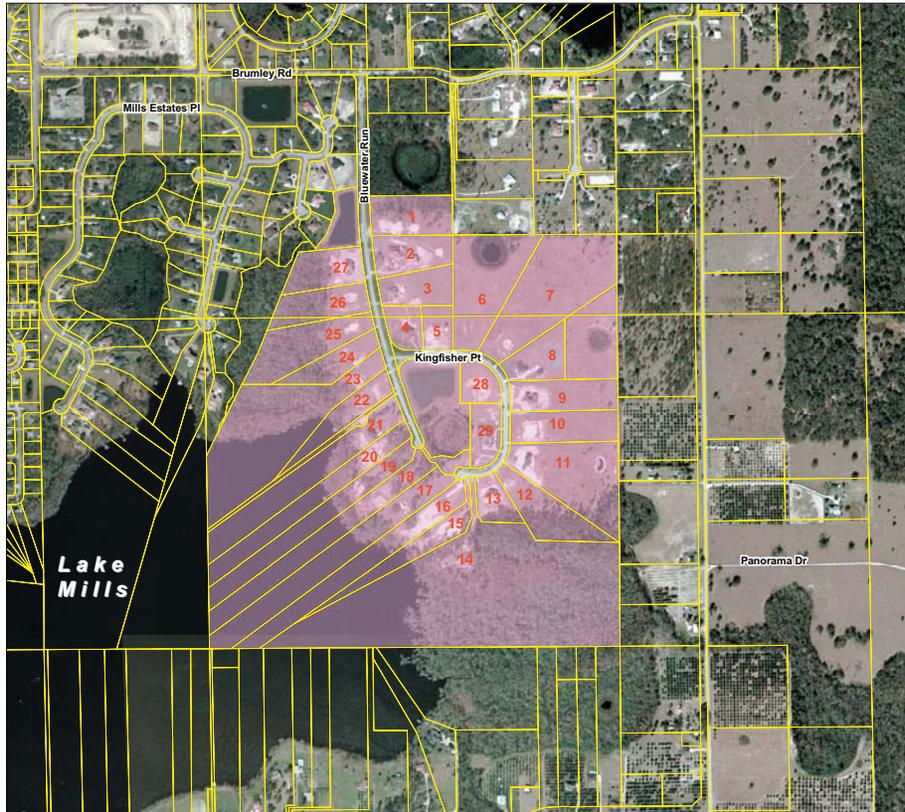
Mills Cove Subdivision is located South of Brumley Road, East of Avenue H, and North of Lake Mills Road in Chuluota, clearly well within the Rural Area. This subdivision contains a mixture of A-1 zoning and A-3 zoning, the result of an appeal to the BCC by the applicant in 2002. The average lot size for this subdivision is 6.5 acres, although this number does not accurately reflect useable lot acreage due to platting into conservation easements. From its location it provides a transition from west to east, and the smaller lots are located on the west side, with larger lot sizes located transitionally along the east. This subdivision conserves quality environmental lands along Lake Mills, as well as isolated wetlands located on the site.

Discussion

The Mills Cove Subdivision is an excellent large lot subdivision built in a suburban format. The site plan is well planned, and sensitivity is placed on the important environmental features. However, the format is suburban, and not rural. In context with the transect described earlier in this report, Mills Cove retains mostly suburban features, including its entrance feature, along with suburban lighting, lot layout, and street network. This subdivision does not represent an acceptable rural format and it is not recommended that its form be replicated elsewhere in the Rural Area. In comparison, the Markham Woods Road area is a highly desirable form of development; however, it may only be classified as suburban, and not rural. Mills Cove is an acceptable transitional format.

Recommendations

The Mills Cove Subdivision contains a tremendous value not as a rural form, but as a transitional form. Areas identified as transitional within the Black Hammock, Chuluota, and along the Orange County line could benefit from transitional development in a similar format. Unlike recommended rural forms, the lot layout is suburban, but the lot sizes are arranged in a useful transitional setting, from west to east, or suburban to rural.



Mills Cove

Lot	Acreage
1	4.8
2	4.23
3	3.75
4	2.2
5	2.02
6	9.8
7	13.58
8	9.64
9	4.96
10	4.97
11	10.03
12	5.49
13	2.39
14	44.13
15	4.15
16	7.76
17	9.92
18	8.18
19	7.01
20	6.86
21	8.68
22	3.63
23	17.06
24	3.32
25	6.71
26	4.38
27	4.14
28	2.29
29	2.76

Legend

- Mills Cove
- Parcels

0 750 1,500
 Feet March 10, 2006



Black Hammock Plat

This area was notably mentioned on numerous occasions by stakeholders as an acceptable rural form of development. The area was entitled on the original plat in 1915 as “B. Drew’s First Addition to the Black Hammock,” hereafter referred to as “The Black Hammock Plat,” and its format is today a representative of old Florida.

Discussion

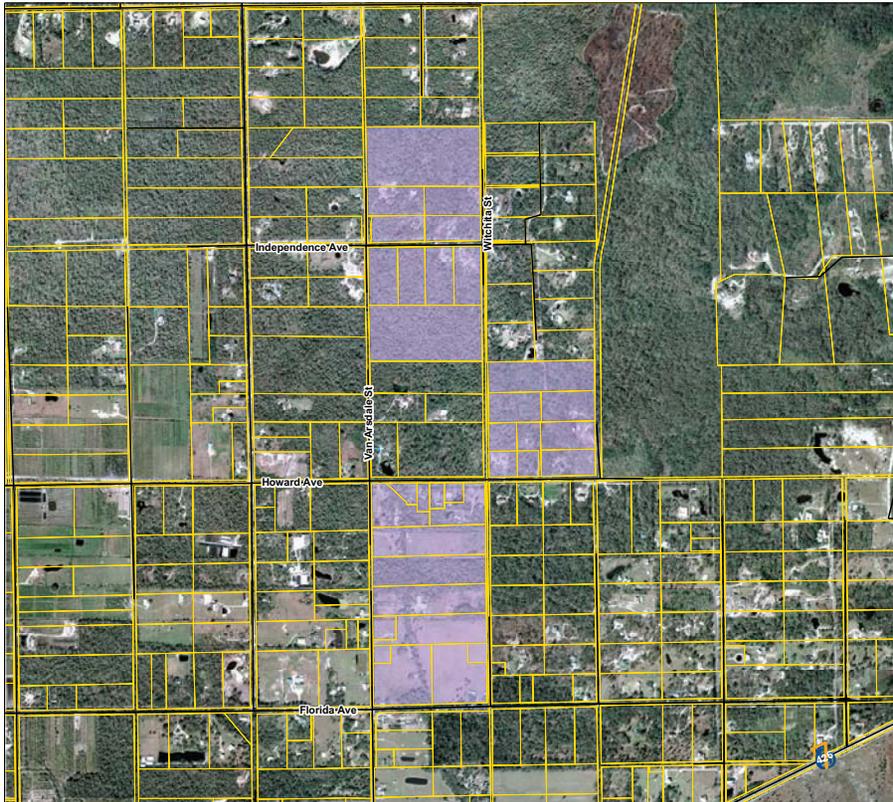
In contrast to Mills Cove, which is an excellent suburban/transitional subdivision, the Black Hammock Plat is a rural format (see attached map). Lot sizes in the Black Hammock Plat range from .89 acres to 19.0 acres. Conspicuously, there are seven lots in this plat that are not classified as rural lot sizes when the County’s land use map is considered; however, the majority of lots exceed five acres, and many exceed ten acres.

Recommendation

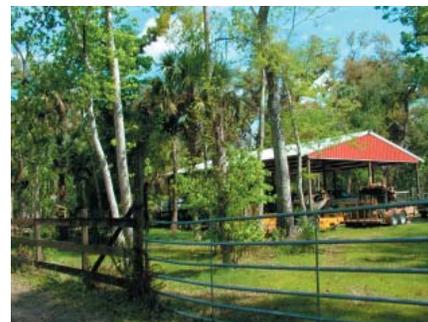
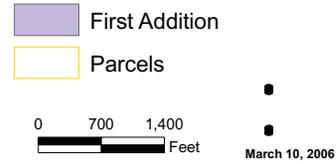
From the photographs and site visits, it is readily discerned that the scenic vistas are preserved, the roadway is a rural design, and there are no suburban entryway features or suburban lighting fixtures as a part of this development. This development is a rural format and is an acceptable alternative rural form.

B. Drew's First Addition to the Black Hammock

Parcel Acreage Range:
.89 acres to 19.1 acres



Legend





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JACKSON
KERCHER
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