

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE DRAINAGE, AND TRANSPORTATION ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

WHEREAS, the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

WHEREAS, the Board has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to Large Scale Plan Amendments; and

WHEREAS, the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a public hearing with all required public notice for the purpose of providing recommendations to the Board of County

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY S. McClain
DEPUTY CLERK

Commissioners with regard to the Plan amendments set forth herein; and

WHEREAS, the Board held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendments set forth herein; and

WHEREAS, the Board hereby finds that the Plan, as amended by this Ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

WHEREAS, the Plan amendments set forth herein have been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

WHEREAS, a private property rights analysis has been prepared and made available for public review for each applicable amendment enacted by this Ordinance and in accordance with the requirements of the Seminole County Comprehensive Plan; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of each text amendment enacted by this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals are true and correct in form and include legislative findings, which are a material part of this Ordinance.

Section 2. Text Amendment. The text of the Plan is hereby amended as set forth in Exhibit A (attached hereto and incorporated herein by this reference) as noted in the following table:

Ord. Exh.	Name	Amendment Number	Amended Elements	LPA Hearing Date	BCC Hearing Dates
A	Stormwater requirement of the Wekiva Parkway and Protection Act	06EX.TXT02.01 (DRG TXT) 06EX.TXT02.02 (DRG TXT) 06EX.TXT02.03 (DRG TXT)	Drainage	12/7/05	12/20/05 6/13/06
	Transportation requirement of the Wekiva Parkway and Protection Act	06EX.TXT02.08 (TRA TXT) 06EX.TXT02.09 (TRA TXT)	Transportation	12/7/05	12/20/05 6/13/06

Section 3. Severability.

(a) The enactment of this Ordinance includes five (5) text amendments.

(b) If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. Exclusion from County Code/Codification.

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code codifier shall have liberal authority to codify this Ordinance as a separate document or as part of or as

a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

(b) The Code codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. Effective Date.

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendments set forth herein shall be twenty-one (21) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendments in compliance if no affected party challenges the Plan amendments, or, if an affected party challenges the Plan amendments, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendments are in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an

amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 13th day of June 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley
CARLTON D. HENLEY, Chairman

Exhibit A

DRAINAGE ELEMENT

Policy DRG 2.9 Wekiva Study Area Land Development Regulations

By January 1, 2007, the County shall amend the Land Development Code to enact land development regulations, as necessary, to comply with the master stormwater management plan and land development regulations provisions of the Wekiva Parkway and Protection Act, Sections 369.319 and 369.321(6), Florida Statutes. Land development regulations shall implement Plan policies regarding stormwater management systems within the Wekiva Study Area. (06EX.TXT02.01)

Policy DRG 4.5 Wekiva Study Area Capital Improvements

The County shall implement the provisions of the Wekiva Parkway and Protection Act, Sections 369.319, and 369.321(2), Florida Statutes, by application of the following strategies:

A. Beginning in Fiscal Year 2006-2007, the County shall prioritize, in conjunction with overall County stormwater management efforts, the projects, programs, and activities applicable to Seminole County identified in the "Wekiva Parkway and Protection Act, Master Stormwater Management Plan Support, Final Report", November 2005 (the "CDM Plan").

B. The County shall base funding of any project, program, or activity from the CDM Plan on the following criteria:

1. Financial feasibility
2. Flood severity
3. Recharge potential
4. Ease of maintenance
5. Public benefit
6. Permittability
7. Construction cost
8. Water quality retrofit need
9. Potential pollutant load reduction

C. Projects, programs, or activities identified in the CDM Plan that meet the above criteria and are incorporated into the Capital Improvements Element, shall be identified as five (5) year capital improvements.

D. The County shall investigate, with each Evaluation and Appraisal Report cycle, Best Management Practices and available technology for stormwater reuse, and shall evaluate the possibility of establishing a stormwater reuse program for the Wekiva Study Area. The County shall incorporate any adopted stormwater reuse program into the Land Development Code.

E. The County shall continue to fund stormwater projects, programs, and activities, including operations and maintenance. Funding sources may include the Transportation/General Fund or other identified sources. (06EX.TXT02.02)

Drafter's Note: The CDM Plan does not evaluate the requirement for establishing stormwater reuse programs at the local level. The County continues to enforce existing Comprehensive Plan policies and land development regulations regarding protection of surface water and groundwater.

Policy DRG 6.3 Wekiva Study Area Stormwater Management

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

- A. Implementation of the projects, programs, and activities applicable to Seminole County, contained in the "Wekiva Parkway and Protection Act, Master Stormwater Management Plan Support, Final Report", November 2005 (the "CDM Plan"); and
- B. Implementation of Best Management Practices (BMPs), including, but not limited to, applicable BMPs recommended in "Protecting Florida's Springs – Land Use Planning Strategies and Best Management Practices", Florida Department of Community Affairs and Florida Department of Environmental Protection, 2002, and from the Model Goals, Objectives, and Policies, Wekiva Study Area, published by the Department of Community Affairs (April 2006). The County shall adopt BMPs into the Land Development Code by January 1, 2007. (06EX.TXT02.03)

Drafter's Note: To address the Act's requirement for development of a master stormwater management plan, and to design a plan in the most cost effective, efficient, and non-piecemeal manner, 14 of the 15 local governments in the Wekiva Study Area (excluding the City of Maitland) collaborated in the creation of a regional stormwater master plan. The consulting firm of Camp Dresser and McKee has developed this regional plan with oversight provided by the St. Johns River Water Management District (SJRWMD), with input from each stakeholder government. The plan, known as the "Wekiva Parkway and Protection Act, Master Stormwater Management Plan Support, Final Report", November 2005 (the "CDM Plan") identifies stormwater issues within the Wekiva Study Area and provides recommendations to address the issues in context of compliance with the provisions of the Act. The County incorporates the CDM Plan into appropriate documents by reference.

The SJRWMD is also proposing rules, due for completion in 2006, as required by the Act to address stormwater issues in the Wekiva Study Area.

TRANSPORTATION ELEMENT

Policy TRA 14.25 Wekiva Parkway

The County shall coordinate with the Florida Department of Transportation, the Orlando/Orange County Expressway Authority, and Florida's Turnpike Enterprise regarding construction of the Wekiva Parkway within Seminole County, as authorized by Section 369.317(5), Florida Statutes. Coordination efforts will ensure that design and construction of the Parkway and related transportation improvements occur in a cost effective and environmentally sensitive manner that will:

- A. Avoid or minimize negative impacts from the Wekiva Parkway to existing neighborhoods, wildlife corridors, natural areas, existing vegetation, parks, trails, most effective recharge areas, karst features, sensitive natural habitats, and public lands;
- B. Provide access to properties adjacent to the Wekiva Parkway through appropriate frontage roads integrated into the Parkway design to ensure safe and efficient traffic flow; and
- C. Ensure development of the Wekiva Parkway is consistent with the applicable requirements and provisions of the State Road 46 Scenic Corridor Overlay District and the State Road 46 Gateway Corridor Overlay Standards Zoning Classification. (06EX.TXT02.08)

Policy TRA 14.26 Wekiva Parkway Land Development Regulations

By January 1, 2007, the County shall enact land development regulations, as necessary and as authorized by Section 369.321(6), Florida Statutes, to implement Plan policies regarding the design and construction of the Wekiva Parkway within Seminole County. (06EX.TXT02.09)

Drafter's Note: The Seminole County Comprehensive Plan (Vision 2020 Plan) shall depict the Wekiva Parkway Corridor and roadway alignment in Seminole County, once adoption of the precise corridor and alignment are accomplished.