



Rural Settlement Study

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Introduction and Background

Long before Walt Disney came to Orange County, residents of Orange County sought the promise of life in Florida by establishing small communities far from the city or town limits existing at the time. Residents made this choice for a number of reasons, including availability or quality of land, relationships with other settlers, and the desire to live with minimum government intervention (Simmons 1951). These rural communities added to the social, cultural, economic, and historical life in Orange County, and continue to do so today.

However, Orange County now looks very different than it did even ten years ago. In the past several years, Orange County's population has grown from 677,491 in 1990 to an estimated 783,974 in 1997, an increase of 15.7 percent (U.S. Bureau of the Census 1997). This growth has brought a need for new residential development within the county to accommodate the influx of new residents. This growth accelerates pressures for rural land to be converted to urban uses.

At present, residents of Orange County who make the choice to live in rural communities find a different landscape than in past years. Suburban development patterns and central utility services are reaching the boundaries of several rural communities through municipal annexations. In addition, several rural areas have residential development at higher densities within or near their borders due to their proximity to employment centers. This residential development, in some cases built on a scale or with amenities not usually found in rural areas, alters the surroundings and the character of rural areas. These trends call into question the continued viability of rural areas in Orange County.

Orange County has made a number of efforts to preserve and protect rural communities in recognition of their historical nature, existing development patterns, and community cohesiveness. Such efforts include the designation of Rural Settlements on the Future Land Use Map of the Orange County 1990-2010 Comprehensive Policy Plan, the development of related future land use policies, protection of some Rural Settlements included in Joint Planning Area Agreements with municipalities, and creation of Preservation Districts. In light of the degree of urbanization in Orange County, the question of whether rural areas are merely areas waiting to be urbanized or are in need of preservation is important, as is the effectiveness of current initiatives for their preservation. As Orange County revises its Comprehensive Policy Plan to a horizon year of 2020, this is an appropriate time to consider what Rural Settlement areas may become in the future.

Rural Settlements are communities within the County's Rural Service Area that do not typically meet the adopted criteria in the Orange County 1990-2010 Comprehensive Policy Plan (CPP) for low-density residential development based on the lack of central utility services. Rural Settlements are outside of the County's adopted Urban Service Area boundary, within which central utilities and other urban services are available. Rural Settlements were first recognized and delineated on the Future Land Use Map of the Orange County 1990-2010 Comprehensive Policy Plan (CPP) in 1991.

Rural Settlements shall be implemented to allow residential uses in the Rural Service Area while precluding development in active agricultural areas. The creation of Rural Settlements recognizes the goal of preserving agricultural and rural uses in Orange County's Rural Service Area. Due to the urban uses created by numerous municipal annexations in the Rural Service Area, Orange County is constrained to preserve these rural areas by creating Rural Settlements. [transition deleted]

*Orange County CPP
Future Land Use Element
Objective 2.1*

Although residents of Wedgefield have voiced support of development, particularly for shopping and grocery stores, Citizens of Bithlo and Christmas have overwhelmingly opposed new development, which would impact their desired rural culture and atmosphere!

*William Pons
East Orange County Task
Force*

The eighteen Rural Settlements currently designated in the CPP are Bridle Path, Bithlo, Christmas, Clarcona, Gotha, Lake Hart/Lake Whippoorwill, Lake Mary Jane, North Apopka/Wekiva, North Christmas, Otter Lake, Paradise Heights, Sunflower Trail/Seaward Plantation, Tangerine, Tildenville, Wedgefield, West Windermere, Zellwood, and Zellwood Station. Several of these settlements, including Christmas, Clarcona, Gotha, Tangerine, and Zellwood, have historical character and structures reflecting Orange County's past. Other Rural Settlements mirror the boundaries of platted subdivisions, such as Wedgefield and Paradise Heights. A map of Rural Settlements in the County is included as Appendix A.

The relationship of Rural Settlements to other areas of the county has several defining characteristics. None of the Rural Settlements is an incorporated municipality, although Bithlo was at one time incorporated. Thus, they compete with other areas of the county for Orange County government resources; the organization of residents to accomplish this and other endeavors may vary. Moreover, Orange County's degree of urbanization and the lack of incorporation of these areas may limit eligibility for federal and state rural assistance funding. Finally, while rural areas in Orange County benefit from the provision of employment, goods, and services by municipalities in the County, their proximity also brings the potential for encroachment and urbanization from urban areas expanding toward Rural Settlement borders.

To provide context for analysis, Rural Settlements can be grouped into broad categories based on their geographic location and, to some degree, common conditions. Rural Settlements are grouped by region below:

North	Bridle Path, North Apopka/Wekiva, Otter Lake, Tangerine, Zellwood, Zellwood Station
South	Lake Hart/Lake Whippoorwill, Lake Mary Jane
East	Bithlo, Christmas, North Christmas, Sunflower Trail/Seaward Plantation, Wedgefield
West	Clarcona, Gotha, Paradise Heights, Tildenville, West Windermere

North Orange County Rural Settlements include Bridle Path, North Apopka/

Wekiva, Otter Lake, Tangerine, Zellwood, and Zellwood Station. Zellwood is a historic community; for more information about the history of Zellwood and other Rural Settlements, please refer to the Future Land Use Element of the CPP. Zellwood Station's boundaries were set by a Planned Development approved in 1973, to include 1,980 manufactured homes, a golf course, and commercial uses. The most recent assessment of the community noted 943 homes had been developed (Miller Sellen Associates 1992).

Large-scale projects in the area may have an impact on Rural Settlements. In 1996, Orange County initiated a study of 44,000 acres of land in the northwest part of the county near Lake Apopka. This study provided the basis of the Vision Northwest Plan (Plan), an area-wide master plan that addresses growth in a fashion compatible with existing uses and future needs. As the Plan area incorporates Tangerine, Otter Lake, Zellwood, Zellwood Station, and parts of North Apopka/Wekiva, it has the potential to affect several Rural Settlements in Orange County, if approved. In the nearer term, the Tiedtke Growth Center is a 969-acre project in North Orange County that has a development proposal under review by the County that includes 999 single-family units, 180,000 square feet of commercial uses, a golf course, parks, and an elementary school. The Growth Center concept, as defined in the Future Land Use Element of the Orange County Comprehensive Policy Plan, allows the establishment of Growth Centers in areas of the County adjoining urban development in other jurisdictions where utility services may be obtained from these jurisdictions. One of two Growth Centers in the County, with the other located at U.S. Highway 192 near Osceola County, the implementation of the Tiedtke Growth Center recognizes growth occurs on a regional level irrespective of political boundaries, but also may impact rural character in specific areas.

Another factor potentially altering Rural Settlements in the area is the annexation activity of the City of Apopka. Orange County has Joint Planning Area (JPA) agreements with many of the county's municipalities to address, in part, mutual agreement on potential areas for municipal annexation. However, the County currently does not have a JPA agreement with the City of Apopka. North Apopka/Wekiva is bordered by the City of Apopka on its southwestern border and has been partially annexed by the City of Apopka (see Appendix A). Other Rural Settlements in the area are further west of Apopka's current borders, and the likelihood of annexation in that regard is not known. Zellwood and Zellwood Station have Preservation District status, discussed later in this report, rendering annexation less likely in these areas. A Preservation District is under consideration for Tangerine.

South Orange County Rural Settlements are Lake Hart/Lake Whippoorwill and Lake Mary Jane. North and west of Lake Hart/Lake Whippoorwill, the City of Orlando has annexed or intends to annex several large tracts in proximity to Orlando International Airport. The City has developed a comprehensive master plan for the area, the Southeast Sector Plan, which anticipates the development of several villages and commercial centers using principles of traditional neighborhood design. Residential development is planned at a variety of densities based on a network of residential neighborhoods and centers, which range from no minimum density to seven units per acre up to a maximum density of 25 to 50 units per acre (City of Orlando 1998). By comparison, the prevalent future land use of the Lake Hart/Lake Whippoorwill Rural Settlement is one unit per two acres.

In unincorporated Orange County, the Lake Hart Planned Development (PD) development approvals that include 1,150 single-family units; 817 multifamily units; 261,000 square feet of commercial uses; an elementary school; and 1,000,000 square feet of industrial uses. Immediately north of Lake Hart, the Campus Crusade for Christ project has development approvals for 600,000 square feet of office uses; 300 hotel rooms; and 430 single-family and multifamily units on the site. The County currently is reviewing a proposal to expand this project to a total of 1,100,000 square feet of office uses, 150,000 square feet of retail uses, 1,450 hotel and

lodge/timeshare rooms, 250,000 square feet of industrial uses, 1,175 single-family units, 1,500 townhouse and apartment units, and other associated uses. The scale and uses of these projects, if approved and developed, may bring a different character to the area.

East Orange County Rural Settlements include Bithlo, Christmas, North Christmas, Sunflower Trail/Seaward Plantation, and Wedgefield. Two of these communities, Bithlo and Christmas, have historic character. Bithlo was established in 1912 and incorporated in 1922; after years of decline, the town's charter was dissolved in the late 1970's. Christmas was established as Fort Christmas during the Second Seminole War in 1835.

Many residents expressed that the reason they are living in the Bithlo and Christmas area NOW is to escape the congested and highly regulated areas in the central and western parts of the county. The general expression was the desire to retain and maintain the rural character and nature of the area through very limited or no further development.

*Robert Gibbs
East Orange County Task
Force*

In 1998, former Orange County Chairman Linda Chapin made a policy statement recommending that urban development should not take place east of the Econlockhatchee River. This was to highlight concern for the protection of ecologically-sensitive areas and prevention of urban sprawl in rural areas of the county. This policy underwent review by a local committee comprised of residents, business interests, environmentalists, and other interested parties. This committee, the East Orange County Task Force, prepared a report on several aspects of development in the area (see Appendix B). Based upon the findings of this task force, the Board of County Commissioners voted to extend utility capacity to Bithlo, Christmas, and Wedgefield (see Appendix C for minutes relating to this vote.

Another Rural Settlement in eastern Orange County, Sunflower Trail/Seaward Plantation, has seen land use changes in its vicinity that have brought or will bring development at urban densities. Sunflower Trail/Seaward Plantation has several large-scale Planned Developments (PD) in close proximity including the Waterford Trails PD, the Spring Lake PD, and the Avalon Park DRI. These developments have approvals to construct over 4,500 single-family houses and 800 multifamily units, as well as other commercial and nonresidential uses.

West Orange County Rural Settlements experience growth pressures from residential development and municipal annexation; this group of Rural Settlements includes Clarcona, Gotha, North Apopka/Wekiva, Paradise Heights, Tildenville, and West Windermere. Clarcona and Paradise Heights are wedged between the Cities of Apopka and Ocoee. Gotha is surrounded by the Cities of Orlando and Ocoee and by the Town of Windermere. Tildenville is bordered by the City of Winter Garden on three sides.

West Windermere is adjacent to the Town of Windermere and is near the city of Winter Garden to the north. The name "West Windermere" is a misnomer, as the Rural Settlement includes property on both the east and west sides of the Town of Windermere, surrounding Lake Butler. Portions of West Windermere have been incorporated into the Urban Service Area through CPP amendments. However, the densities have been limited on these parcels based on the requirements of Future Land Use Policy 4.1.26, which limits density to a maximum of two units

per acre in a defined area of the Cypress Creek Drainage Basin.

Similar to North Orange County settlements, which are encompassed by or in proximity to Vision Northwest, West Orange County settlements may see future changes based upon sector planning activity in the area. In western Orange County, the decline of the citrus industry and other factors led to interest in development to serve nearby tourist attractions, while utilizing a variety of land uses in an "urban village" design context.

In June 1995, the Orange County Board of County Commissioners incorporated the Village Land Use Classification into the CPP to accommodate the Horizon West sector plan, created by public-private planning partnership for 38,000 acres in Orange County. The Horizon West area is projected to accommodate up to 75,000 dwelling units in nine villages; specific areas plans have been adopted for two villages. The sector plan area abuts West Windermere and is southeast of Tildenville.

As outlined above, a number of issues and situations surround the Rural Settlements and have implications for their future viability. Through analysis of future land use, zoning, design, services, and trends and issues, this study will describe conditions and make recommendations for Rural Settlement policies and activities.

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Future Land Use and Zoning

In a community, the future land use and zoning have an impact on physical development and growth patterns. The future land use designations and zoning districts applied to land in Rural Settlements, as well as the changes made to the Orange County Comprehensive Policy Plan (CPP), are indicative of current growth trends and potential areas of concern. Maps showing the future land use designations and zoning designations within Rural Settlements are included as Appendix D and E; a complete list of Future Land Use Element policies is given in Appendix F.

Future Land Use Rural Settlement boundaries are delineated on the adopted Future Land Use Map of the CPP. Future Land Use (FLU) policies for Rural/Agricultural areas outside the Urban Service Area and Rural Settlement boundaries allow development at one dwelling unit per ten acres. Within Rural Settlements, FLU policies allow residential development to have the following designations: Rural Settlement 1/1 (1 dwelling unit per acre), Rural Settlement 1/2 (1 dwelling unit per two acres), and Rural Settlement 1/5 (1 dwelling unit per five acres). In certain cases, two dwelling units per acre are allowed where Rural Settlement land abuts higher density uses in a municipality, to provide a buffer for such development (FLU Policy 2.1.17; added June 1994 by Ordinance #94-13). In some cases, existing Rural Settlements have higher densities and nonresidential land uses based on preexisting uses or zoning.

Future land use designations in place in the Rural Settlements vary. In northwest Orange County, Bridle Path is designated Rural Settlement 1/2. North Apopka/Wekiva has Low Density Residential, Rural Settlement 1/2, and Rural Settlement 1/5 areas, but is mostly Rural Settlement 1/1, with a few Commercially-designated parcels. Also, a section of North Apopka/Wekiva has been annexed by the City of Apopka, and the City's future land use designations have been applied to this area. Tangerine and Otter Lake are mostly Rural Settlement 1/1, with some Low Density Residential and several Commercially-designated areas with frontage on U.S. Highway 441. Zellwood Station residential areas are all designated Low Density Residential; several Commercial and Institutional parcels have frontage on U.S. Highway 441. Zellwood has residential areas designated Low Density Residential and Rural Settlement 1/1, with relatively large areas with Industrial and Commercial designations on U.S. Highway 441.

In south Orange County, Lake Hart/Lake Whippoorwill are all designated Rural Settlement 1/2, with the exception of a Commercially-designated area along Narcoossee Road. Lake Mary Jane is designated Rural Settlement 1/1 to the north and Low Density Residential to the south, with a few Commercial areas along Lake Mary Jane Road.

To the east, Bithlo has residential designation of Low Density and Rural Settlement 1/1, with a large corridor designated Commercial along East State Road 50. Christmas is designated Rural Settlement 1/1, except for parcels designated Commercial along East State Road 50. North Christmas is entirely designated

Large lot development is important in the Rural Service Area to ensure urban development is not precluded. The lots must be large enough to provide for resubdivision at urban densities.

*Orange County CPP
Potable Water Element*

It is not the County's intent to preserve all agricultural lands in perpetuity. The intent, however, is to maintain rural lands until adequate levels of services and facilities are available to accommodate urban development.

*Orange County CPP
Future Land Use Element*

The permitted densities and intensities of land use within the Rural Settlements shall maintain the rural character.

Future Land Use Policy
2.1.8

....additional land designated Low and Low-Medium Density Residential shall not be permitted in Rural Settlements except for County certified affordable housing projects and as provided in Future Land Use Policy 2.1.17. Future Land Use Map amendments for County certified affordable housing projects shall only be supported when a linkage of affordable housing and need within the Settlement is demonstrated. All other amendments to residential densities of the Rural Settlement shall not allow residential development to exceed one (1) dwelling unit per acre.

Future Land Use Policy
2.1.10

Rural Settlement 1/5. Sunflower Trail/Seaward Plantation is designated Rural Settlement 1/1 to the north, but most of its acreage is designated Rural Settlement 1/2, with the exception of Low Density Residential land to the east and a few Commercially-designated parcels with frontage on East State Road 50. Wedgefield has land designated Low Density Residential, a golf course designated Parks/Recreation, cluster lots designated Low-Medium Density Residential, and some parcels designated Commercial along State Road 520.

In west Orange County, Gotha is predominantly designated Rural Settlement 1/1, with one section designated Low Density Residential and a few parcels designated Commercial at the intersection of Gotha Road and Hempel Avenue. West Windermere is entirely designated Rural Settlement 1/1, except for areas designated Village on the fringe of Horizon West. Tildenville is designated Low Density Residential with a few Commercial and Institutional parcels. Paradise Heights has Low-Density Residential future land use and several Commercial parcels. Finally, Clarcona has a lot of diversity in its future land use, with Rural Settlement 1/1, Rural Settlement 1/2, Rural Settlement 1/2, Low Density Residential, Institutional, Commercial, and Parks and Recreation all represented.

The issue of the appropriate densities for the County's rural areas has many dimensions. The development community points to the 1 dwelling unit per ten-acre density as a cause of urban sprawl. Specific concerns expressed are that this density forces higher-density development to "leapfrog" to adjacent counties, excludes areas from the county's transportation, utilities, and economic development planning, and constrains "financial opportunities and land values" (Miller-Sellen Associates, Inc. 1995). From the County's perspective, the Future Land Use Element recommends the 1 dwelling unit per 10 acre standard as a means to avoid the permitting of subdivisions in agricultural areas and land speculation on the part of agricultural landowners (Orange County 1991). This area is considered a holding category until the appropriate time, if any, for urban uses.

Within Rural Settlement areas, higher densities than the 1 dwelling unit to ten acre standard are permitted based upon the County's recognition of these areas as historic areas of settlement and, in some cases, the presence of services to support a slightly higher, but still rural density. However, additional Low and Low-Medium Density Residential future land uses are allowed to promote the development of affordable housing projects (FLU Policy 2.1.10; amended June, 1994, Ord. #94-13). An example of how this policy has been used is the Waterford Trails Planned Development (PD), formerly known as Colonial/Sunflower. This project's northern boundary is East State Road 50 and extends east to Old Cheney Highway, incorporating sixty acres of land in Sunflower Trail/Seaward Plantation as Low-Density Residential for affordable housing.

The cost of land in Rural Settlements promotes the development of affordable housing, and the availability of mobile homes provides additional



Mobile homes in Sunflower Trail

housing options. While affordable housing is promoted with density incentives in the FLU Element, the lack of central water and sewer services to accommodate density renders the policy inconsistent with other FLU policies intended to preserve traditional rural densities. This inconsistency is not reconciled in current policies, nor is the inconsistency of choices made to extend or not to extend services to particular areas, such as the Cypress Lakes Planned Development in east Orange County, which was a condition of approval prior to the adoption of the Orange County 1990-2010 Comprehensive Policy Plan (CPP) in 1991.

As such, FLU Policy 2.1.10 should be revised to reinforce the need for available infrastructure before increasing density in Rural Settlements. Revisions should also provide clear policy criteria that facilitates decisions regarding infrastructure provision. Criteria should be similar to the that provided in FLU Policy 1.1.5.1, which prioritizes the importance of Urban Service Area expansions based on design factors, economic development potential, and sector planning. Finally, the degree to which the promotion of affordable housing in Rural Settlements impacts the provision of services and rural character and the need for this housing to serve rural residents require further analysis.

Another issue of concern is the creation of new Rural Settlements. Objective 2.1 of the FLU Element notes “the creation of Rural Settlements recognizes the goal of preserving rural and agricultural uses in Orange County,” and several policies in the FLU Element reference the creation or expansion of Rural Settlements. Criteria for creation and expansion of Rural Settlements is found in Policies 2.1.3 through 2.1.3 of the Future Land Use Element. Rural Settlements may be expanded or created as amendments to the comprehensive plan. However, projects must demonstrate a need for additional land to accommodate twenty year population and employment projections through use of a small area study. Projects must also maintain the rural character of the area, and expansions must be at least 25 percent contiguous to an existing Rural Settlement. New Rural Settlements must be a minimum of twenty acres and approved as Planned Developments if in excess of 100 acres.

These policies were used to implement the Rural Settlement concept at the time of plan adoption. However, a number of applications to alter boundaries of Rural Settlements have been submitted since these policies

...where the homes were very similar in size and original sales price...the appreciation was 12.7 percent greater in the open space subdivision, where homes rose \$17,100 more, on average, by the end of the 21-year study period. It seem clear that people are willing to pay more money for equivalent homes on smaller lots when other amenities are provided in the neighborhood.

*Randall Arendt
Rural By Design:
Maintaining Small Town
Character*

were adopted in 1991. These applications, in general, would develop housing at higher densities than permitted in the Rural Service Area of the county. As such, they are not consistent with the County's Development Framework, as they diminish the use of the adopted Urban Service Area boundary (discussed in further detail later in this report) as a growth management mechanism. Also, the rationale for continuing to provide for the creation of new Settlements is less clear, especially given the presence of vacant parcels within adopted Rural Settlement boundaries.

There are 4,109 vacant parcels within the boundaries of Rural Settlements (Orange County Planning Department 2000). Over 2,700 are less than one acre in size and may require vested rights or parcel assembly for development. However, almost 175 parcels are greater than ten acres in size, potentially allowing for the development of housrural subdivisions consistent with the Rural Settlement concept.

Given the availability of vacant land, the creation of new settlements hinders the absorption of vacant land to facilitate growth in a compact, responsible fashion. Also, changes to the Urban Service Area boundary over the past several years have expanded the fringe of urbanization toward rural areas. As this expansion takes place, having mechanisms to allow various other densities through Rural Settlements promotes a fragmented land use pattern. Policies to allow creation of Rural Settlements were established to recognize settlement that had already taken place by 1991. For these reasons, FLU Policy 2.1.5 and sections of FLU Policy 2.1.4 that allow the creation of new Rural Settlements should be modified to reinforce the County's sound growth management policies.

To address another potential refinement to Rural Settlement policies, FLU Policy 2.1.6 requires development proposals of over 100 acres within a Rural Settlement to have final approval as a Planned Development (PD) with performance standards designed to protect rural character. The processing of more development proposals as PDs would improve the ability of the county to preserve rural character, due to review by a broader cross-section of county agencies and the additional performance standards required of PDs. Review would be facilitated if initiatives are put in place to detail the means to accomplish this preservation, such as an overlay district. This guidance is important to ensure that urban standards are not applied to this process to create a product more urban than rural.

In addition, the processing of more projects as PDs will provide rural residents the open space granted to residents of PDs in urban areas. The Land Development Code requires PDs to provide "both active and passive recreation areas at the ratio of 2.5 acres per one thousand projected population", with population calculated at 3.1 persons per single-family unit and 2.1 persons per multifamily unit (Section 1253, Orange County Code). PDs also must provide open space of various types, such as greenbelts, ponds, and buffer zones, at ratios ranging from 10 to 25 percent of the development area, based on the type of development.

As well as preserving rural character and open space, the encouragement of PDs in Rural Settlements would provide needed recreation opportunities to some rural

residents, as discussed in the Infrastructure and Services section of this report; privately-provided recreational amenities are usually limited by the covenants, conditions, and restrictions of the development to use by residents only. Also, preservation of open space provides visual, as well as recreational, benefits and may facilitate the preservation of rural character in these areas. For these reasons, it is recommended that the threshold for consideration of development proposals as Planned Developments be lowered from 100 acres by revising FLU Policy 2.1.6.

To provide context in the consideration of the appropriate policies for and land uses in Rural Settlements, citizen input must be incorporated in the decisionmaking process. Community meetings and visioning processes have demonstrated that little consensus exists to date in several Rural Settlements regarding preferred development alternatives. Constituencies in Orange County's rural areas may include:

- Large landowners, perhaps former farmers, ranchers, and citrus growers, who want the maximum economic benefit from a land sale;
- Owners whose families have lived in the same area or the same home for generations and who have a historical connection to the community;
- Owners who keep horses, goats, or livestock or have a greenhouse or small-scale agricultural business;
- Owners who have moved to rural areas to escape urban densities and traffic, but who desire some urban amenities, such as shopping and street paving; or
- Owners who have moved to rural areas to escape urban densities and traffic and who want to preserve the area exactly as they found it.

Based on their diversity and what they see as their best interest, these constituencies have needs and concerns which may conflict. Planning activities in Orange County's rural areas have incorporated public participation, notably in the Vision Northwest planning process and in the formation of the East Orange County Task Force (summary included as Appendix B). The Orange County Evaluation and Appraisal Report (EAR) of the Orange County 1990-2010 Comprehensive Policy Plan (CPP), which assessed the goals, objectives, and policies of the CPP, also included a number of public participation initiatives. As part of the EAR-based CPP amendment cycle, efforts targeted at Rural Settlement residents should be initiated to provide input for revisions to Rural Settlement boundaries or policies through proposed amendments. Not only would these efforts reflect the County's tradition of and commitment to public participation, it would provide valuable local insight into potential policy creation and revision. Staff recommends targeted efforts to solicit this information, which could potentially include community meetings, World Wide Web pages, and other means described in the County's Public Participation Handbook.

While additional information is solicited from Rural Settlement residents, the following consideration of the various land uses is a starting point for discussion. In terms of residential uses, the 1991 CPP asserted that a "large demand for one and two acre residential lots exists in Orange County", to some degree based on the fact that "in the last five years, more than 2600 acres have been rezoned . . . for one acre lot size residential development" (Orange County 1991). As described previously, Rural Settlements have future land use designations that accommodate these densities. Also, several Rural Settlements contain vacant land zoned for these densities. To illustrate, the Tangerine Rural Settlement contains at least 271 acres of undeveloped land zoned Rural-Country Estate (R-CE), which permits up to one dwelling unit per acre, and the Otter Lake Rural Settlement has close to 79 acres of undeveloped land zoned R-CE (Orange County Planning Department 1998).

In the years since CPP adoption in 1991, the popularity of the small-lot subdivision has increased, as documented

Commercial uses in Rural Settlements shall not exceed the neighborhood level and shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

Future Land Use Policy
2.1.14

Industrial uses in the Rural Service Area shall be permitted only as shown on the Future Land Use map within the Rural Settlements of Bithlo, Christmas, and Zellwood.

Approval of such industrial uses shall be conditioned upon soil suitability for use of septic tanks and shall be contingent upon the provision of adequate fire flows. ... Further industrial designations shall be prohibited from all Rural Settlements including Bithlo, Christmas, and Zellwood.

Future Land Use Policy
2.1.13

in the EAR. While urban land is divided at these densities to benefit from market demand, alternatives to smaller lots may be found closer to the urban fringe to benefit from reduced land prices. As documented in the Future Land Use Amendments section of this report, amendments have incorporated rural property into Rural Settlements and redesignated Rural Settlement property at urban densities.

Diverse residential densities to support market preference, agricultural activity, and other factors are critical for preservation of rural lifestyles. The viability of adopted boundaries of Rural Settlements should be evaluated given these concerns and the future land use changes in the years since 1991. Given incremental modifications over the years, an evaluation of the adopted boundaries, informed by public participation by residents, would best suit the evolution of Rural Settlements in coming years.

For commercial uses, the availability or proximity to utility services controls the level and type of development activity. The commercial and office uses permitted in Rural Settlements are those serving the neighborhood with retail and personal services, as defined in several FLU policies. These policies, including FLU Policy 2.1.14 (sidebar), provide guidance to ensure commercial uses are neighborhood serving and scaled appropriately for the community. Given these concerns, staff recommends the policy be revised to strengthen the intent of the policy and ensure that sufficient resident demand exists for proposed commercial uses.

Consistent with adopted FLU policies, many of the commercial uses found in Rural Settlements are small retail operations, such as convenience stores. Exceptions are found in Bithlo, Zellwood, and other Rural Settlements, with more



An automobile-related business in Bithlo, characteristic of the area

intense commercial uses, like auto-related businesses. Some of these businesses are vested, nonconforming uses operating inconsistent with the future land use and zoning designations applied to their property.



Gotha Country Store

In several of the Rural Settlements, commercial uses are found in close proximity to residential units, as homes surround a convenience store, barbecue restaurant, or other business. It appears there is greater tolerance for other uses near residential uses on the part of rural residents, perhaps based on the role of these businesses as places of social interaction or providers of goods and services at the neighborhood level. While several of the Rural Settlements are in close proximity to urban municipalities, others are located far from the cities and the services found there.

Based on the minimum population needed to support retail or commercial uses, it is likely these areas will not see this type of development in the near future. To illustrate, some residents of Bithlo would like to see a supermarket and a laundromat developed in Bithlo, as expressed at the East Orange County Task Force meetings. These uses require market area populations of 6,500 and 5,700 persons respectively (Ewing 1995), as well as central utility services. The provision of such uses has been deemed critical by residents of a few Rural Settlements in community meetings, but how widespread this opinion may be in the individual settlements is not known.

For Rural Settlements closer to the urban fringe, the development pressure for commercial uses is increasing. In light of development pressures, the addition of design and performance standards may be appropriate for major intersections in Rural Settlements, such as the intersection of North Apopka-Vineland Road and Clarcona-Ocoee Road in Clarcona. The intersection of Ocoee-Apopka Road and McCormick Road in Paradise Heights may also benefit from commercial performance standards. Such standards could also reinforce a sense of place in Rural Settlements, discussed later in this report.

As specified in the CPP, industrial uses are permitted only in the Rural Settlements of Bithlo, Christmas, and

In an attempt to preserve rural character, towns have resorted to two-, three-, four-, and five-acre zoning. As a result, more land gets bulldozed and more road must be built for each house, people have more yard than they know what to do with, and land and house prices go through the roof. Large-lot zoning has done little or nothing to preserve the land because it has occurred in the conventional zoning context: uniform development of the entire landscape.

*Joel Russell
"The Need for New
Models of Rural Zoning"*

For many people the dream of owning rural acreage turns into a nightmare as they discover their enslavement to maintaining large pieces of land. Even a two-acre house lot, if not wooded, is "too large to mow and too small to plow". ...The oft-expressed desire "to look out my window and not see my neighbor's house" reflects a psychological need that is sometimes better satisfied with creative site design and smaller lots.

*Randall Arendt
Rural By Design:
Maintaining Small Town
Character*

Zellwood, in order to "grandfather" existing uses at the time of adoption. Per FLU Policy 2.1.13, no new industrial uses are permitted in any Rural Settlement. The primary reason for this limitation is the lack of central utility services in these areas. The rationale for this policy may also have been an attempt to limit intense uses, such as extractive industries, from small Rural Settlement communities. As clarification to this policy, Industrial future land use and zoning districts are found only in Zellwood at this time.

Since the adoption of the CPP in 1991, commercial zoning districts have undergone revisions that have restricted production activities to industrial zoning districts. This change limits the new business activities possible in Rural Settlements under this policy, as activities formerly possible in Commercial designations would require an Industrial designation. However, existing businesses are not restricted in their operations.

Notwithstanding the prohibition on new industrial future land use designations in Future Land Use Policy 2.1.13, additional industrial uses were proposed in the Zellwood Development District initiative based on master planning for the area. The District would have had central water and sewer service under this proposed policy, as well as master planning to promote compatibility. No other changes in industrial use policies for Rural Settlement areas recently have been proposed, and none are recommended at this time.

Zoning A number of different zoning districts are found in the various Rural Settlements, which will be described in a general sense. For more specific information, please refer to zoning maps included as Appendix D. In north Orange County, Bridle Path is designated Planned Development. Tangerine is mostly designated R-CE (Rural Country Estate), with other parcels having residential, commercial, or agricultural zoning. Otter Lake has residential and agricultural zoning, with a few commercially-designated parcels. Zellwood has property designated mostly with residential and industrial zoning districts, with a commercially-designated corridor along U.S. Highway 441. Zellwood Station is entirely designated Planned Development or A-1 (Citrus Rural District). Finally, North Apopka/Wekiva is designated agriculturally or residentially, with the exception of property zoned Planned Development and other property zoned with the City of Apopka's zoning districts.

In south Orange County, Lake Hart/Lake Whippoorwill mostly has A-2 (Farmland Rural District) and R-CE (Rural Country Estate), with a few commercially-designated parcels. Lake Mary Jane has residential, agricultural, commercial, and Planned Development zoning.

In east Orange County, Sunflower Trail is mostly designated A-2 (Farmland Rural District), with some Planned Development and R-T-2 (combination mobile home and single-family dwelling district). Bithlo has diverse zoning districts, but is mainly designated residentially and with the Planned Development districts. North Christmas is designated R-CE-5 (minimum 5-acre lots). Christmas is mostly

designated A-2 (Farmland Rural District), with several commercially-designated parcels along East Colonial Drive. Finally, Wedgefield has a mix of commercial, residential, and agricultural designations.

In west Orange County, Paradise Heights and Clarcona have residential, commercial, and agricultural zoning districts; Clarcona has the Planned Development district, as well. Gotha has residential and agricultural zoning, with a few parcels designated with commercial or Planned Development districts. West Windermere has mostly Planned Development or R-CE (Rural Country Estate) zoning, with a few exceptions.

The CPP recommends creating a zoning district overlay for Rural Settlements designed to preserve character and a “sense of place”. The CPP noted this district, at a minimum, should ensure road design and improvement will have limited impact on the natural and historical environment, with narrow pavement, alternative transportation access, and appropriate landscaping. Also, the CPP specified that new construction should not cause “substantial modification to the topography and natural resources” (FLU Policy 2.1.7). In addition, the Future Land Use Element of the CPP recommended zoning changes and the creation of a special district, which was evaluated but never implemented. This was due, in part, to the concern of property owners that allowable uses may be restricted. The Evaluation and Appraisal Report of the CPP does not recommend any changes to specific Future Land Use Element policies.

The Orange County’s Evaluation and Appraisal Report (EAR) noted that “existing agriculture and rural land use and zoning classifications and the intensities and densities of land use maintain the rural character”. Traditionally, an aspect of rural character has been considered to be the presence of large-lot homes. The presence of large lot homes in rural areas allowed various agricultural activities, such as the keeping of livestock, to take place. While these activities continue to take place in some Rural Settlement areas, other owners do not pursue agricultural lifestyles. These owners have built under large-lot densities in ways that do not maintain rural ambiance. While diversity in housing choice is an important value that should be preserved, the choice of owners not to develop in a traditional rural manner points to the need to have alternative mechanisms to preserve rural character.



A large-lot home in Lake Whippoorwill/Hart, developed in conventional suburban style

Preservation of rural character has, in part, been implemented in Orange County using the R-CE (Rural Country Estate) Cluster District, which requires the clustering of units to preserve open space. The minimum tract size within the district is twenty acres, with densities not to exceed one dwelling unit per acre; the minimum lot size is one-half acre, with a minimum lot width of 100 feet. Maximum lot coverage is 60 percent of land area. Sections of the Orange County Code relating to R-CE-Cluster District are included as Appendix G.

Naturally, the RCE-Cluster zoning option is only as effective as its implementation. Rezoning to R-CE-Cluster District is requested at the rate of five to six applications per year for property located in all parts of the County. Implementation is apparently not constrained by the development community, who view this option as a means of “planning around” development constraints on a site, such as wetlands. However, many neighboring residents express concerns during community meetings relating to the perceived effect of smaller lots in the vicinity of their property on their property’s value and their perception that undeveloped areas on a proposed plan will not remain undeveloped. Although several studies demonstrate that property values increase at a greater rate in developments with open space amenities than those lacking such amenities, this is not a factor under consideration by residents.

As discussed in this analysis, the lowering of the 100-acre threshold for projects in Rural Settlements to be considered Planned Developments would have several benefits, which include the flexibility to have more site specific project design and clustering of units. It is important to note any additional use of clustering should reflect rural character and standards and not urban or suburban design sensibilities. An example of rural clustering design standards is included as Appendix H.

Other mechanisms could be assessed as to their benefit to Rural Settlement areas. The CPP recommends that the Land Development Code be amended to include criteria to ensure the “scale, and density and/or intensity of development within the Rural Service Area promotes the intended rural character. The regulations may include, but should not be limited to, height limitations and buffer requirements” (FLU Policy 2.3.1) as part of a overlay district, as mentioned previously.

The implementation of a zoning overlay district could focus on the major intersections or commercial areas recommended for additional standards, similar to the intersection of Gotha Road and Hempel Avenue. A zoning district overlay applied to these areas could also protect scenic roadway corridors found abutting many of these intersections, including along Hempel Avenue and Clarcona-Ocoee Road. The logic of these protections and the experience of Seminole County are discussed in the Design and a Sense of Place section of this report. Implementation of an overlay district on a test basis in selected Rural Settlement areas, based in part on staff assessment and resident support, will help to preserve the rural character of these areas.



A scenic corridor along Lake Mary Jane Road

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Future Land Use Amendments

In the years since the Rural Settlement concept was implemented, development proposals continue to be received from the private sector for property within Rural Settlements. Proposals generally request a transition for Rural Service Area land to higher density Rural Settlement future land use categories or the redesignation of property in Rural Settlements to allow urban densities. The boundaries of several Rural Settlements, including Bithlo, West Windermere, and Gotha, have changed as a result of approved future land use amendments.

As indicated earlier, Rural Settlements may be expanded or created as amendments to the Orange County 1990-2010 Comprehensive Policy Plan (CPP) for projects that address a demonstrated need for additional land to accommodate twenty year population and employment projections. Amendment applications must include a small area study that demonstrates need for the land use change. Expansions must be at least 25 percent contiguous to an existing Rural Settlement. New Rural Settlements must be a minimum of twenty acres and must be approved as Planned Developments if the proposal exceed 100 acres. Criteria for creation and expansion of Rural Settlements are found in Policies 2.1.3 through 2.1.6 of the Future Land Use Element.

After the adoption of the Orange County CPP, subsequent amendment cycles have had varying effects on the size, integrity, and character of the Rural Settlements. A table that lists all USA amendments is found in Appendix H. The table is useful in noting areas with Rural future land use designations altered by changes to the Urban Service Area (USA) boundary, in order to assess conversions from rural to urban land. The USA boundary is delineated in Appendix A.

In 1992, a proposal was submitted to create a new Rural Settlement on 280 acres west of Rock Springs Road and south of Kelly Park Road. In 1993, Comprehensive Policy Plan changes affecting Rural Settlements were made for development in Clarcona and Bithlo. Clarcona had 9.3 acres changed to a Commercial future land use designation for the development of commercial areas to serve neighborhoods. In addition, Bithlo was expanded by 287.48 acres (190.05 developable) for the provision of affordable housing and neighborhood commercial uses with central utility services.

In 1994, two USA amendments were approved that affected Rural Settlements. Acreage (246.10 acres/198.00 developable) was removed from West Windermere in the Four Corners area near the intersection of Conroy-Windermere Road and Apopka-Vineland Road and given the Community Village Center land use designation. Also, 50 developable acres were removed from Sunflower Trail.

In addition, two expansions of Rural Settlements were approved in 1994. In West Windermere, approximately eleven acres were added to West Windermere for residential development. Approximately 9.74 acres were added to the Gotha with a designation of 1 DU/acre. In other activity, Bithlo had 14.43 acres designated as Low Density Residential for the provision of affordable housing by Orange County Habitat for Humanity.

In 1995, several future land use amendments altered various Rural Settlements. A future land use amendment added 58 acres to West Windermere. Three amendments expanded the USA by a combined 392.60 acres (380.40 developable) to accommodate the Four Corners development by redesignating property from West Windermere. Another amendment changed Rural Settlement 1/1 to Rural Settlement Low Density (2 dwelling units per acre) for 38.17 acres in Gotha to serve as a buffer between Gotha and Ocoee. The parcels had been the subject of a contested annexation by the City of Ocoee. In Gotha, 93.7 acres were added to the Rural Settlement to accommodate property owners' request to be in the Gotha Preservation District.

Land use changes also were approved for 14.5 acres outside Bithlo. Land use was changed from Agricultural to Commercial for the development of additional neighborhood commercial services to support the Corner Lake Planned Development. Also in Bithlo, 27.82 acres were designated Commercial/ Low Density Residential. In total, the USA was expanded by 1,156.9 acres (808.10 developable) by the above-referenced amendments and others (See Appendix I). Later that year, the Campus Crusade for Christ Development of Regional Impact expanded the USA by an additional 285 acres (175 developable).

In 1996, West Windermere expanded by 21.27 acres designated Rural Settlement 1/1. Also in west Orange County, the USA was expanded by 209 acres (198 developable) near the Horizon West Study Area to accommodate a Planned Development of single-family and multifamily residential, hotel, and commercial uses.

In northwest Orange County, the future land use was changed to Growth Center for approximately 968 acres (918.30 developable) south of Tangerine for a Planned Development. The change, which included a section of Tangerine, was made to accommodate a Planned Development comprised of residential, commercial, open space, and educational uses. The area is now known as the Tiedtke Growth Center.

In east Orange County, two future land use changes were made in the vicinity of Sunflower Trail. The USA was expanded by 600 acres (570 developable) and given Low-Density Residential Future Land Use for the Eidson Trust property, now known as the Sunflower Trail Estates Planned Development. Also, the USA was expanded by approximately 400 acres (298.2 developable) south of Sunflower Trail for the Spring Lake Planned Development. The two Planned Developments are immediately adjacent to each other.

Other changes in east Orange County were seen that year, as Bithlo was expanded by 2.5 acres to accommodate commercial development as a Planned Development. A new Future Land Use Element Policy (2.2.7) permitted residential development at urban densities (up to four DU/acre) in Rural Settlements, if the property is at least thirty-five percent contiguous to higher density or intensity urban development in an adjacent municipality. The intention of the policy was to allow transitional uses between densities; the policy's immediate result was to create an exception to the USA of 455.68 acres (366 developable) to encompass the Belmere Planned Development, which abuts the Cities of Winter Garden and Ocoee on two sides.

In 1997, the most significant future land use change was 5,194.00 acres (3238.00 developable) for the development of the Horizon West/Lakeside Village concept. This change in west Orange County, including land formerly in the Rural Service Area and a portion of West Windermere, was the result of a major planning effort discussed in greater detail later in this report. Also in west Orange County, fifty acres in Gotha were given Rural Settlement Low Density (maximum of two DU/acre) future land use as a transitional district to accommodate a Planned Development. Also, a 7.53 acre parcel in Gotha was also given the Rural Settlement Low Density use. Finally, the future land use designation for 67 acres in Clarcona was changed from Rural Settlement 1/5 to Rural Settlement 1/1, and an additional five acres in Clarcona were changed from Rural Settlement 1/1 to Rural Settlement Low Density future land use.

In 1999, several applications proposed changes to or creation of Rural Settlements. Ten acres were added to Clarcona for the relocation of a family homestead to be displaced by the Apopka Bypass expressway construction. In West Windermere, eighty acres were added to the USA immediately south of Gotha for development at two homes per acre. Fourteen acres were added to Tangerine and designated Rural Settlement 1/1. A new Rural Settlement, Bridle Path, was approved through the designation of 71 acres as Rural Settlement 1/2.

Also, several applications were made in 1999, but later withdrawn, that are reflective of trends affecting Rural Settlements. An applicant proposed the removal of 36 acres from Tangerine to add to the Tiedtke Growth Center for the development of commercial and low-density residential uses. Another application proposed the creation of a new Rural Settlement, comprised of 180 acres in northwest Orange County, for development at a density of one dwelling unit to two acres. On a larger scale, the staff-initiated amendment to create the Zellwood Development District was transmitted to the Florida Department of Community Affairs to add approximately 845 acres to the Zellwood Rural Settlement to address the impacts of the lake Apopka muck farm purchase.

In the first amendment cycle of the year 2000, two applications were approved that altered Rural Settlement boundaries. One application added 30 acres to West Windermere near Horizon West for designation as Rural Settlement 1/1. The other application removed 42 acres from Gotha for designation as Low Density Residential. The second amendment cycle of the year 2000 will begin in August 2000.

Over the past several years, it can be seen that a number of changes have affected the County's Rural Settlements, and that some Rural Settlements have been altered more than others, due to market demand, large-scale planning initiatives, and the requests of property owners. In addition, policies adopted in 1994 regarding increased density for affordable housing developments and land abutting higher-density development in municipalities have altered Bithlo and Gotha. With the exception of these policies, no policies have been added to or deleted from the Future Land Use Element to further the Element's objective of preserving agricultural and rural uses in the Rural Service Area. The means of approaching this task in light of current conditions is suggested in the Recommendations section of this report.

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Infrastructure and Services

The presence of infrastructure and services in this section is primarily considered for their relationship to density and development patterns. Based on the number of Rural Settlements and the intended scope of this analysis, discussion of infrastructure and services will be general and not reference specific locations or providers. This analysis also refrains from discussion of some types of community services, including law enforcement, fire and emergency medical services, schools, and libraries, in favor of services directly addressed by the Orange County 1990-2010 CPP. Government facilities and services are defined by the Capital Improvements Element of the CPP as traffic circulation, mass transit, parks and recreation, potable water, solid waste, and stormwater management, in accordance with the State of Florida's 1985 Growth Management Act (Orange County Planning Department, 1998). These services have adopted level of service (LOS) standards included in the CPP and are discussed below.

Traffic Circulation Orange County's adopted level of service on state and county roadways ranges from level of service "C" of freeways and principal arterials located in rural areas to level of service "E" on minor arterials and collectors located in urban areas (Orange County 1998). Several roadway segments located within or near Rural Settlements are operating below the adopted LOS. Examples include Apopka-Vineland Road from Winter-Garden Vineland Road to Darlene Drive and from Conroy Windermere Road to Gotha Road; Colonial Drive from Alafaya Trail to Lake Pickett Road; U.S. 441 from Overland Road to Piedmont Wekiva Road; Silver Star Road from Good Homes Road to Hiawasse Road. All segments have an adopted LOS of D or E and are operating at LOS F (Orange County 1998). Moreover, the intersection of East State Road 50 and Lake Pickett Road, in the vicinity of Bithlo and Sunflower Trail/Seaward Plantation, has no excess capacity for new development. Only three intersections in Orange County have this limitation, meaning no new development can be approved unless developers invest in expansion of the roadway facility or alternative, parallel facilities.

Several programmed improvements are scheduled before 2002 for roadways within or near Rural Settlements, including widening of segments of Apopka-Vineland Road, North Tanner Road, Old Winter Garden Road, Rock Springs Road, Silver Star Road, and Winter Garden-Vineland Road. Improvements planned by 2020 include additional lanes for segments of Apopka-Vineland Road, Clarcona Road, Old Winter Garden Road, Rock Springs Road, Silver Star Road, and Winter Garden-Vineland Road. (Orange County 1998). Additional improvements may be planned or programmed as Orange County's ten-year plan for roadway facilities is completed and incorporated into the Capital Improvements Program, expected shortly. Also, Orange County recently updated traffic count data, which provides improved data for planning purposes.

Mass Transit Transit capacity refers to the number of available person trips provided system wide by mass transit. The adopted LOS standard is 37,886 person trips per weekday. The current daily capacity of the LYNX bus system, Orange County's mass transit provider, exceeds 100,000 person trips per weekday, as noted in the Orange County Evaluation and Appraisal Report (EAR). Only five of the Rural Settlements directly receive transit service. In North Orange County, Zellwood receives service ten times daily during the week. To the east, Bithlo and Sunflower Trail/Seaward Plantation receive service seven times daily during the week and none on weekends; Wedgefield receives service six times per day during the week. To the west, Tildenville receives service seven times daily, weekdays and weekends.

Parks and Recreation Parks and recreation sites in Orange County are classified as activity-based or resource-based (passive) parks. As described in the Recreation Element of the Orange County EAR, activity-based sites contain primarily manmade facilities, such as tennis courts, softball fields, playground equipment. Resource-based sites are primarily used for nature-based activities like camping, swimming, and picnicking. The level-of-service standards are 1.5 acres of activity-based parks and 6.0 acres of resource-based parks per one thousand residents of unincorporated Orange County (Recreation Policy 1.1.1 and 1.2.1, Orange County CPP). Orange County currently has 968 acres of activity-based parks and 15,855 acres of resource-based parks. Environmental acquisitions under the County's Natural Resources Enhancement Program, including recent acquisitions near Christmas and Long Branch Creek, may increase the acreage of resource-based parks, depending on the low-impact, nature-based recreation made available on these and future sites.

Befitting the natural setting and resources of Rural Settlements, several Orange County passive parks are located adjacent or in proximity to Rural Settlements, including Trimble Park, Kelly Park, Clarcona Horseman's park, and Magnolia Park. Other parks, including Moss Park, Fort Christmas Park, and the West Orange Trail, are relatively close to Rural Settlement areas. However, Rural Settlement residents may have greater distances to travel to activity-based parks. As such, new activity-based recreation sites would have to be funded by Orange County, nonprofit agencies, or the private sector or by joint-use agreements with Orange County School Board to use school sites as activity-based parks for the general public. A nonprofit provider of these services, the Crossover Boys and Girls Club, pursued a zoning special exception hearing in December, 1998, to develop a recreational facility in the Gotha Rural Settlement. Several residents opposed the project based on the use and scale, and the proposal was denied. Residents' concerns may extend to other proposals to provide active recreation and may reduce the likelihood of new activity-based parks in the area. However, a recreation center was recently constructed by the County in Bithlo.

Solid Waste The adopted level-of-service standard used to determine the availability of facility capacity for solid waste services is 6.0 pounds per person per day (Solid Waste Policy 1.1.5, Orange County CPP). This projection used a 'worst-case' scenario that excluded the impacts of state-mandated recycling efforts and future landfill capacity, while projecting future population growth using the "high" population projections from the Bureau of Economic and Business Research, as opposed to more commonly-used and more conservative "medium" projections. Orange County acquired an additional 3,500 acres in southeast Orange County for landfill expansion, projected to prolong the life of the landfill by at least 20 years, according to the Orange County Evaluation and Appraisal Report of the CPP (1998). For this reason, as well as reduction of the waste stream through the recycling efforts, the existence of capacity is assumed for all Rural Settlements.

Potable Water and Wastewater

One critical factor determining the future of Rural Settlements is their access to central water and wastewater services. As these services are necessary for growth at greater density and intensity, the availability of these services helps to set the parameters for development in an area. As the County does not permit package plants, utility lines must be present to serve industrial and some types of commercial development. In addition, lack of services has been linked to health and public welfare in Bithlo and Zellwood, with concerns expressed for the Wedgefield area, as well. Reinforcing that concern, analysis in the Orange County CPP notes that 68 percent of Orange County soils have "severe or very severe limitations for septic tank use", with "East Orange County [having] more soil limitations due to the higher water table and numerous wetlands in that area."

However, any consideration of the extension of utility lines must consider the financial feasibility of these decisions, a concern outlined in the EAR. As noted in the EAR, "critical needs exist to construct facilities to accommodate new development, as well as address existing deficiencies and operating costs. A critical issue will be for the community to choose the quality and level of service for which it is willing to pay" (Orange County 1998). This discussion in the EAR was not specific to Rural Settlements, meaning that expansion of lines to these areas would place an additional financial burden on the County unless extension of lines was done at resident or developer cost.

Another factor for consideration of utility extension is the environmental dimension of such decisions. Environmental considerations were under discussion during East Orange County Task Force proceedings in terms of how potential crossing of the Econlockhatchee River by utility lines may impact the river. However, another dimension of this decision is the potential improvement in water quality for area lakes from the extension of utility lines and avoidance of septic tank use. Several Rural Settlements are located on the shores of lakes, including Tangerine, Otter Lake, West Windermere, Gotha, Paradise Heights, Bithlo, Lake Hart/Whippoorwill, and Lake Mary Jane.

In addition to financial feasibility, potential positive and negative impacts on water quality should be an aspect of the utility extension debate. While water quality data on the respective lakes was outside of the scope of this study, additional research can be performed, as needed. Staff recommends this research be done with the Orange County Environmental Protection Division to assess the need for policy language and provide draft language, if needed, for the revision of the applicable policies.

In north Orange County, Tangerine and Otter Lake have central water service; otherwise, Rural Settlement residents use wells and septic tanks. North Apopka/Wekiva residents use wells and septic tanks; some limited areas are served by central water and wastewater service by the City of Apopka and by package plants. Some areas in Zellwood are served by central water service; otherwise,

Central water systems shall not be extended beyond the boundary of the Urban Service Area ... unless the Board of County Commissioners determines that a public health hazard exists for existing development, or to provide consolidation of existing central water systems, ...Existing facilities serving Rural Settlements shall not be expanded. The existing capacity shall not be used as reason to increase allowable densities in the Rural Settlements.

Potable Water Policy 1.4.2

When it has been determined the extension of water lines into the Rural Service Area is necessary, such, (sic) existence or planned extension of water mains shall not be construed as adequate justification for development at urban intensities in the Rural Service Area.

Potable Water Policy 1.4.3

Utility lines should be sized to serve the future needs of the Bithlo, Wedgefield, and Christmas Rural Settlements.

*Gerald Braley, Bobby Beagles, and Cecil Tucker,
East Orange County Task Force*



Lake Hart in south Orange County

residents use wells and septic tanks. Finally, central water service and a small package plant serve Zellwood Station, which was approved before CPP adoption in 1991.

In south Orange County, Lake Hart/Lake Whippoorwill and Lake Mary Jane residents use wells and septic tanks; a limited area receives service from Osceola County. The Urban Service Area was extended to the boundary of Lake Hart/Lake Whippoorwill with the approval of the adjacent Lake Hart PD. Also, development within the Southeast Orlando Sector Plan of the City of Orlando will take place on the west side of Narcoosee Road, the western boundary of the Rural Settlement. This area currently receives limited services from Osceola County; the effect of development at the county line in Osceola County has not been researched for this analysis, but could also be a factor in the area's development. Also, the Campus Crusade for Christ facility on Lake Hart receives central utility services from Orange County, and the future land use amendment currently under review by the County requests an Urban Service Area expansion.

In east Orange County, Bithlo, Christmas, North Christmas, and Sunflower Trail/Seaward Plantation residents use wells and septic tanks. Residents of Wedgefield receive water and sewer service from a small local provider. In west Orange County, Tildenville receives central water service, but other Rural Settlements in the area, including Clarcona, Gotha, Paradise Heights, and West Windermere have no central services.

In east Orange County, the assessment performed as part of the East Orange County Task Force (Appendix B) found a desire on the part of some residents in Bithlo and Wedgefield to receive central services due to the condition of wells and septic tanks. The various concerns highlighted in the East Orange County Task Force Report led to a vote by the Board of County Commissioners (Board) to fund excess capacity for utility lines being extended to East Orange County by the private sector to serve the Cypress Lakes Planned Development (Appendix C). The motion voted upon by the Board states that excess capacity is intended to serve existing and vested development in Bithlo, with no new development allowed to connect to utility lines without an approved sector plan. The vote also affirmed that extended utility lines shall not be a justification or basis for approving new development.

An Orlando Sentinel article, "A Whole New World Way Out East", highlighted the issues surrounding water and sewer line expansion to east Orange County. As noted in this article, supporters of extension of lines link the debate to property rights, the quality and/or number of services the county provides rural residents, health concerns from quality of well water, and the existence of regulations to protect environmental quality. Those who oppose extension of utility lines say the rural lifestyle preferred by many residents will be affected through rapid growth spurred by utility availability. Opponents also make the argument that there is enough available land already within urban areas, that stormwater management will be expensive and difficult, and that environmental quality may be affected by development.

To the west, Clarcona, Gotha, Paradise Heights, Tildenville, and West Windermere all have the potential to be served by central services at a future date, if proximity to municipal lines and to Horizon West are any indication of probability. Clarcona abuts the service areas of the Cities of Apopka and Ocoee, with Paradise Heights in the vicinity. Gotha abuts the City of Ocoee service area. Tildenville abuts the City of Winter Garden, and West Windermere abuts the Horizon West study area. Depending upon the municipalities capital improvements schedule and expansion plans, the Rural Settlements could see the possibility of receiving service, but may not be a priority for service relative to these communities' unserved municipal customers. Often, cities can only serve annexed areas due to bond covenants.

However, as municipalities offer service in areas near the Rural Settlements, the demand for services from residents may increase, and policy decisions regarding the extension of service may become more imminent. The cycle of Future Land Use Map amendments for the Evaluation and Appraisal Report presents the appropriate opportunity for extension policies to be revisited, especially in light of some of the past inconsistencies. Also, the policies added to the Future Land Use Element since 1991 that reference utility extension to specific projects, such as Belmere and Campus Crusade for Christ, point to the need to refine policies to recognize changed conditions.

The nature of the arguments on both sides of this issue ensure that resolution will not come easily. Given potential or confirmed utility expansion plans for northern, southern, and eastern Orange County and annexation activity by municipalities, it appears a greater area of Orange County could receive central services at some point in time. However, when factored with the county's limited economic resources for utility line expansion and the financial feasibility of these decisions, this may not be the case for many years.

Public or approved private central wastewater service shall not be permitted for development within the Rural Service Area... unless the Orange County Board of County Commissioners determines that a public health hazard exists requiring central wastewater service. Central wastewater facilities which already exist and serve Rural Settlements shall not be expanded. Such existing capacity shall not be used as justification for increased intensity in Rural Settlements.

*Wastewater Element
Policy 1.4.3*

Oversizing water and/or sewer lines will encourage development, impact the sensitive environment, which extends beyond the banks of the Econ[lockhatchee River], detract from the present rural culture, and raise property taxes for those who can least afford them!

*William Pons, East
Orange County Task
Force*

Residents of Wedgefield support continued growth east of the Econ in a planned, responsible manner.

*Virginia Cebula
East Orange County Task
Force*

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Rural Character

When a rural area comes to mind, many of the identifying elements are likely visual ones. Driving down a narrow, winding road admiring fields and open space are how many people enjoy the rural experience, if only in passing. Thus, an important aspect of preserving rural character is the preservation of visual aspects. While many would agree with that premise, there is very little agreement in terms of what exactly constitutes “rural character”. For this reason, this section considers visual aspects and destinations that establish a “sense of place”, discusses the potential of a zoning overlay district to preserve rural character, and highlights the debate in Seminole County as to what constitutes “rural character”.

Orange County has taken a proactive approach toward shaping the visual environment with the creation of an Urban Design Section of the Orange County Planning Division, as well as an advisory board, the Urban Design Commission. Recently, the Urban Design Section, in cooperation with Orange County’s Building and Zoning Division, developed a Commercial Design Standards ordinance adopted by the Orange County Board of County Commissioners (Ord. #98-29, adopted October 20, 1998). The standards apply to new development and redevelopment that increases gross floor area by more than 50 percent. The ordinance provides guidance regarding building orientation, façade, design, roofing, landscaping, and service areas, as well as illustrations of key concepts. These new commercial standards are applicable county-wide, but may take a longer period of time to become apparent in Rural Settlements based upon the Settlements’ level of development and redevelopment activity relative to other areas of the county.

In a similar manner, efforts to preserve rural areas may include the use of design principles or characteristics that preserve their visual character and the integrity of the landscape. Regarding design in a rural context, several design-related policies were included in the Future Land Use (FLU) Element of the Orange County 1990-2010 Comprehensive Policy Plan (CPP) to preserve the integrity of the Rural Settlements. As previously discussed, the FLU Element recommends the creation of a zoning district overlay for Rural Settlements to “ensure new development within the Rural Settlement contributes to the community’s sense of place”, and that new construction should not cause “substantial modification to the topography and natural resources”.

Rural design has also been explored by the County by using the Visual Preference Survey™ during the Vision Northwest planning process. Conceived and administered by A. Nelessen Associates of Princeton, New Jersey, the Visual Preference Survey™ is a proprietary planning process to assist communities in determining a vision of the future through assessment of visual elements, land use, and design. Approximately 200 participants, including residents, county and city officials, committees, and other interested parties, were asked to critique 160 images based on their opinion of the image and their judgment of its appropriateness for the Vision Northwest area.

Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha Rural Settlements as part of Orange County’s heritage and historic preservation.

Future Land Use Policy
2.1.2

The permitted densities and intensities of land use within the Rural Settlements shall maintain the rural character.

Future Land Use Policy
2.1.8

A survey of the participant group found that 85 percent of respondents “agree that the quality of development and planning can affect the quality of life, economic advancement, and . . . community value.” Also, 62 percent of respondents agreed or strongly agreed that “it is important that Northwest Orange County control the location and design character of all new and rehabilitated buildings.” (Canin Associates 1997). The lowest rated image of the 160 slides viewed as part of the survey was a single-family residential home with a poorly-maintained house and yard and a generally-unkept appearance.

On a larger scale, the scenic rural roadway corridor is one aspect of the visual experience most easily associated with rural character. With appropriate design and signage, such as the “Welcome to . . .” entry signs seen in Gotha, Clarcona, and Bithlo, these corridors can reinforce community identity to residents and visitors alike. Beautiful examples of rural corridors are found on Hempel Avenue in the Gotha Rural Settlement, Lake Mary Jane Road in the Lake Mary Jane Rural Settlement, Kirby Smith Road in the Lake Hart/Lake Whippoorwill Rural Settlement, and Clarcona-Ocoee Road in the Clarcona Rural Settlement, among others in Orange County. Corridors establish a unique sense of place for these areas.

Another amenity helping to create a sense of place is the West Orange Trail. The first phase built five miles of fourteen-foot-wide paved trail from the county line near County Road 438 to Winter Garden. The second phase extended the trail to U.S. Highway 441 in Apopka. The final phase will extend the trail to Wekiwa Springs State Park. As well as contributing to the historical character of these areas, this type of facility also contributes to the local economy as a destination for residents and tourists. The trail preserves scenic vistas in West Orange County, and the inclusion of horse trails in the facility recognizes the importance of equestrian activity to many rural residents, especially in the Clarcona area.



A community bulletin board at a store in Lake Mary Jane

Finally, a sense of place has been established in Rural Settlements by community landmarks like churches, restaurants, general stores, and other gathering spaces. As urban development approaches certain Rural Settlements, the potential increases for these landmarks to disappear or be gentrified. These places provide

communities with goods, services, and a means to stay informed about community events. The importance of these uses is recognized in the FLU Element by policies that discuss appropriate commercial uses as those retail and personal services intended to serve the immediate population.

The implementation of a zoning overlay district could focus on the major intersections recommended for additional standards, similar to the intersection of Gotha Road and Hempel Avenue. A zoning district overlay applied to these areas could also protect scenic roadway corridors found abutting many of these intersections, including along Hempel Avenue and Clarcona-Ocoee Road. As an example, the North Apopka/Wekiva Small Area Study proposed scenic corridor preservation be added to the Land Development Code, suggesting greater building setbacks, preservation of vegetative buffers, signage control, meandering driveways to block views of structures, and alternative corridor widths of 100 feet from the centerline (Glatting et al. 1992). Implementation of an overlay district on a test basis in selected Rural Settlement areas, based in part on staff assessment and resident support, will help to preserve the rural character of these areas.



A commercial area at the intersection of Clarcona-Ocoee Road and Apopka-Vineland Road

One example of rural development standards collected during research is the Rural Siting Guidelines (Hillsdale Guidelines) of the Town of Hillsdale, New York (excerpted in Appendix I). The Hillsdale Guidelines make recommendations designed to avoid disruption of the landscape. As Orange County has implemented with the Commercial Design Standards Ordinance, the Hillsdale Guidelines provide illustrations of rural development consistent with the Guidelines on various-sized parcels (Tate, Chellman, and Russell 1992).

In Seminole County, rural roadway corridors are protected by a zoning district overlay that requires a setback of 200 feet from the roadway centerline. Seminole County staff notes the district has been popular with rural residents, but less popular with the development community. Based on rate of development in rural areas, development within the district is not frequent, but it does serve to protect corridor areas. As recommended previously, a zoning district overlay applied to major intersections in selected Rural Settlements in Orange County could adopt similar protections for the preservation of these unique natural areas.

The County shall develop land development regulations and land use strategies..that recognize East Seminole County as an area with specific rural character rather than an area anticipated to be urbanized. It shall be the policy of the County that rural areas require approaches to land use intensities and densities, rural roadway corridor protection, the provision of services and facilities, environmental protection and code enforcement consistent with the rural character of such areas.

*Seminole County 1991
Comprehensive Plan
Future Land Use Element*

"One of the most startling things about it is that the Wekiva River Protection Act calls for a protection of the rural character of the area", said Charlie Gauthier, an administrator for the state Department of Community Affairs...But developments in Seminole [County's] portion of the protected area average about two houses for every acre, he said. "You have to wonder, is that rural character?"

*'Seminole suburbs creep closer'
The Orlando Sentinel*

The preservation of rural character is subject to debate over what constitutes rural character. For example, the Wekiva River Protection Area, a 19,000-acre area of Lake, Orange, and Seminole Counties, is required by the State of Florida's Wekiva River Protection Act (Chapter 369, Florida Statutes—see Appendix I) to remain rural in character to protect the Wekiva River system. Specifically, local government comprehensive plans must ensure that "residential development in the aggregate shall be of a rural density and character" (Ch. 369, F.S.). However, the statute leaves room for interpretation as to what constitutes "rural character", leading to debate in Seminole County regarding the appropriateness of the development proposals in the area.

Seminole County has future land use (FLU) designations of Rural 10 (maximum of one unit per ten acres or one unit per five acres, if lots are one acre in size), Rural 5 (maximum of one unit per five acres), Rural 3 (maximum of one unit per three acres), and Suburban Estates (maximum one unit per acre), intended to preserve the viability and nature of rural areas. Seminole County also made several provisions for rural areas in its 1991 Comprehensive Plan, including the recognition of rural areas and the determination that agricultural uses will be favored in conflicts with nonagricultural uses. In addition, the intention to develop rural cluster land development regulations and a roadway corridor overlay district to protect the rural character of East Seminole County was included in the plan.

In 1999, Seminole County underwent public debate and planning processes on these issues stemming from Florida Department of Community Affairs objections to proposed future land use amendments in Seminole County's Wekiva River Protection Area and in the Chuluota area of east Seminole County. Resolution of issues in Seminole County was achieved through a compromise that allowed more intense development within a 400-acre transition zone in the Wekiva River Protection Area, as well as a reduction in dwelling units and development restrictions for the proposed development. Also, a Chuluota Small Area Study assessed conditions in east Seminole County and recommended the establishment of Chuluota as a "rural village" and the creation of appropriate policies for future land use, design, economic incentives, and infrastructure. Recommendations also included the identification of a village "Main Street" where retail and commercial development may be desirable in the future (Seminole County 1998).

As Orange County sees increasing urbanization based on its strong economy and other market factors, the potential increases for a debate similar to that taking place in Seminole County. These processes have the potential for lengthy and expensive negotiations and objections on the part of the County, development interests, residents, and DCA.

Existing Rural Settlement policies, including FLU Policy 2.1.2 and 2.1.8, reference character or rural character, and additional policy language should be added to more clearly define what constitutes rural character. Additional data for this effort can be gathered during the EAR-based amendment process, especially through the public participation process. The clarity provided by revised policies is an

important proactive step toward avoiding confrontation, as development proposals for property within Rural Settlements continue to be received from the private sector.



A scenic corridor along Clarcona-Ocoee Road west of the Apopka Vineland intersection in Orange County

"I think a significant portion of [the Wekiva River Protection Area] is rural", [Seminole County] Commission Chairman Randy Morris said. "Is all of it rural? Of course not. The area we bought and protected is beyond rural. It's wild." The county has bought 800 acres of the protected area for preservation and has cooperated with state agencies in other purchases.

'Seminole suburbs creep closer'
The Orlando Sentinel

Even an elementary-school child knows that three new homes on an acre is hardly rural in nature.

'Keep it rural'
The Orlando Sentinel
(Editorial)

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Trends and Issues

Urban Service Area Orange County is divided into Urban Service Area and Rural Service Area through the use of an Urban Service Area Boundary delineated in the Comprehensive Policy Plan (CPP). The Urban Service Area (USA) is “utilized to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development” (Orange County 1991) and as a growth management tool, in that growth at urban densities is limited by a lack of urban services. Land outside of the USA boundary is termed Rural Service Area. In the years since the USA boundary was first delineated in the CPP, it has expanded through a number of future land use amendments (Appendix I). The expansion of the USAB represents the increasing urbanization of areas that were formerly rural and has implications for the development pattern seen in these areas.

The Orange County 1990-2010 Comprehensive Policy Plan establishes criteria for the expansion of the Urban Service Area in Policies 1.1.5 through 1.1.5.2, summarized as follows: Expansion is permitted when an applicant can demonstrate that provision of infrastructure and services to the proposed project is needed to satisfy demand for urban land based on population and employment projections; demonstrate the provision of infrastructure and services is a logical extension of the existing system and will not deplete capacity for vested developments; and pay for initial services and facility expansion, unless excess capacity exists. The proposed project also must be within ten miles or twenty minutes of major employment centers, be contiguous to the existing USA boundary, avoid the creation of enclaves of Rural Service Area, and compatible with existing or planned development in the area. Priority is given to USA expansions involving Traditional Neighborhood Developments with a mixture of housing types and land uses, the establishment or relocation of a major employer, projects that contribute to the implementation of the Development Framework, or Developments of Regional Impact (DRI) or sector plan projects.

The USA expands in response to private-sector applications for such a change through the Future Land Use Map amendment process. Such expansions are supported based on the demand for urban land resulting from population growth and projections of future growth. However, the EAR-based amendment process represents a valuable opportunity to assess the USA in a comprehensive, coordinated manner based on revised population estimates and a database of committed land uses adjusted for market trends. As part of this process, the need for new and redeveloped urban land will be determined using best available data, and impacts to rural areas and the rate of urbanization will be better quantified at that time.

On a related note, the Orange County Evaluation and Appraisal Report (EAR) of the CPP found the population projections on which the CPP is based to be accurate. However, the EAR notes the demand for urban land was greater than

The Urban Service Area shall be based on the supply of usable land needed to accommodate the County's population and employment forecasts for the twenty year planning period and the County's ability to provide urban services and facilities....The County projects that an additional 14,801 acres developed at urban densities will be needed to accommodate future employment and population... Should these projections change, the acreage needs identified above shall be adjusted accordingly by an amendment to this plan.

Future Land Use Element Policy 1.1.2

Orange County should evaluate and adopt innovative planning strategies that would formalize the existing policy of USA expansion limits while, at the same time, proactively deal with legitimate property rights issues.

Orange Audubon Society East Orange County Task Force Summary of Findings

anticipated, due in part to the County's share of population being greater than projected, the lower-than-expected level of multifamily development, and the popularity of small-lot subdivisions, defined as lots less than 61 feet in width. Real Estate Research Consultants has documented the increase in small-lot subdivisions from 21 percent to 46 percent of new home sales between 1985 and 1993, with subdivisions constructed at average densities between 4 and 6 units per acre (Orange County 1998). The CPP projections were based on an average of 8 units per acre in the Low-Medium Density Residential category, creating the need to revise projections to accommodate greater need for residential urban land.

The small-lot subdivision is a trend in home ownership, but there remains a sizable population of Orange County's citizens who either cannot afford a home or do not wish to purchase one. As Orange County's population grows, these citizens are placing increasing demands on the multifamily housing stock, which has an average occupancy rate of 95.4 percent in the Orlando market (Orlando Sentinel 1998). Recently, citizens in various parts of the county have expressed resistance to new multifamily housing near their neighborhoods, and several projects have not received approval based on various factors. The county has addressed this issue under advisement from the Multifamily Compatibility Workgroup by developing a siting ordinance (Ord. #2000-08; adopted April 11, 2000) thought to address perceived issues with single-family/multifamily housing compatibility.

The inability to develop multifamily housing on infill parcels increases the pressure for suburban expansion in rural areas to accommodate population growth. If this population cannot find multifamily housing in Orange County and moves to adjacent counties, their commuting patterns to Orange County employment may increase or cause traffic congestion on rural roads, such as Narcoossee Road in Lake Hart/Lake Whippoorwill or U.S. Highway 441, which travels through several Rural Settlements in northwest Orange County. To the degree that population growth cannot be accommodated by compact urban development, the potential exists for Rural Settlement areas to be affected.

Sector Planning As noted in various sections of this report, Orange County has been involved in sector planning in northwest and southwest areas of the county for some time. The Horizon West Sector Plan has been adopted, and the specific plans for two villages, Lakeside Village and Bridgewater, have been adopted. The Horizon West Sector Plan is proposed for designation as a sector plan under recently-passed provisions of Chapter 163, Florida Statutes.

The initial demonstration of the sector planning concept offered by Horizon West has been informative, and the possibility of sector planning for other areas of the county has been discussed in public meetings of the East Orange County Task Force and the Board of County Commissioners. Indeed, some aspects of the extension of utility lines to east Orange County are predicated on the development of a sector plan (see Appendix C).

Regardless, another sector plan may be developed in the county, perhaps incorporating Rural Settlements, as seen in the Vision Northwest plan. Recent state legislation provides support for the concept and enables a sector planning demonstration project, but the development of another sector plan is not currently planned in Orange County. The coming years may see additional sector planning efforts, but will also demonstrate the effect of adopted sector plans on Rural Settlement areas, as discussed in the Background section.

Annexation/ Joint Planning Area Agreements A critical factor in the viability of Rural Settlements, or any rural lands in the county, is the rate of annexation activity by the county's municipalities; a map of municipality and Rural Settlement boundaries is included as Appendix A. Once rural land is annexed by a municipality, it is essentially "urban land", even if no development activity takes place immediately. The availability of municipal

central services usually places annexed rural land into a holding pattern, awaiting development.

Orange County has established Joint Planning Area (JPA) Agreements with several municipalities in the county, with the exception of the Cities of Apopka, Eatonville, Belle Isle, and Edgewood. JPA Agreements vary by municipality, but generally speaking, define a zone around the municipality and specify conditions for annexations within that zone. These conditions relate to the circumstances under which annexations may be contested, the ability to plan for land uses within the zone, the development of infrastructure, and other concerns.

The City of Apopka's boundaries are immediately adjacent to Clarcona, North Apopka/Wekiva, Paradise Heights, and Zellwood Station. Three additional Rural Settlements, Otter Lake, Tangerine, and Zellwood, lie northwest of the current city limits within several miles of the city. While Zellwood and Zellwood Station are Preservation Districts, discussed in more detail below, other Rural Settlements may be subject to annexation, as seen by the annexation of significant areas of North Apopka/Wekiva by the City of Apopka. Orange County continues to discuss a potential JPA Agreement with the City of Apopka.

The County's Joint Planning Area agreement with the City of Ocoee addresses the annexation of the Clarcona and Gotha Rural Settlements through agreement from the City that these areas will not be annexed voluntarily or involuntarily and that preservation districts may be created for these communities. In spite of these restrictions, the JPA reaffirms the ability of individual property owners to petition for amendment to the JPA and for annexation.

The Orange County/Orlando JPA boundary abuts Clarcona, Gotha, and Lake Hart/Lake Whippoorwill. As the Settlements are not included within the JPA area, there are no specific references to these areas. However, the Southeast Sector Plan adopted by the City of Orlando would bring urban development to the southeastern edge of the JPA area directly abutting Lake Hart/Lake Whippoorwill.

Preservation Districts Enabled by Section 505 of the Orange County Charter, the creation of a preservation district establishes an exclusive procedure for municipal annexation in particular areas to preserve historical residential communities. If adopted by referendum, a preservation district's land has additional scrutiny during the annexation request. In order to voluntarily annex property into a municipality, the Orange County Board of County Commissioners must approve the annexation through a majority vote at an advertised public hearing. After approval, a majority of registered electors living within the district must approve the annexation by a majority vote. This concept does not impact involuntary annexations in such a district.

Preservation Districts are currently in place in Gotha, Zellwood, Zellwood Station, and in the Dr. Phillips area of southwest Orange County. Preservation District status does not have an impact on consideration of future land use and zoning for these areas and is specifically prohibited from doing so in the enabling ordinance

"WHEREAS, this Agreement is further intended (1) to protect the Clarcona Rural Settlement and the Gotha Rural Settlement, (2) to foster the objectives of the County Comprehensive Policy Plan with respect to said rural settlements, including but not limited to Objective 2.1 of the County Comprehensive Policy Plan, and (3) to prevent annexation by the City within the said rural settlements.."

Joint Planning Area Agreement between Orange County and the City of Ocoee

zoning decisions on community cohesiveness, the retention of which is the goal of Preservation Districts, the establishment or revision of Future Land Use Policies to provide additional guidance for review of proposals in Preservation Districts should be considered during the EAR-based amendment process.

[Florida Division of Forestry] Committee members expressed most concern about what they call the "urban interface"—where wooded rural areas abut communities. That invites wildfires to destroy homes and harm people. The committee report hits the mark with a strong pitch for local government to discourage development in wooded urban/suburban areas. Firefighters can defend more easily homes concentrated in one area than neighborhoods that are spread out.

'Douse wildfire danger'
The Orlando Sentinel
(Editorial)

Western Beltway Part A The Western Beltway Part A, a 10.6-mile segment of the Western Beltway expressway, will connect the Florida Turnpike to U.S. Highway 441 in Apopka by the year 2001. This route will provide more convenient access to Paradise Heights and Clarcona, as well as Rural Settlements in the northeastern part of the county, including Bridle Path, Zellwood Station, North Apopka/Wekiva, and Zellwood (Tangerine and Otter Lake are further north). To the south, the route terminates at the East/West Expressway near Gotha, with West Windermere further south. This increased access may increase demand for residential land at greater densities by shortening commuting distances to employment centers for potential residents. Also, demand for commercial land likely will increase at the sites of proposed expressway ramps.

Emergency Management In the summer of 1998, a series of wildfires in Orange County threatened or burned Rural Settlement areas of Wedgefield and Christmas in east Orange County. The fires focused public attention on the area and raised the question among some as to the logic of developing in remote areas. The Orlando Sentinel outlined several factors that contribute to the danger of wildfires, including rural homeowners complaints about controlled burning to manage public lands, lack of funding for proper management of public lands, and "lax planning by local governments", and notes "services such as fire protection are difficult and expensive to provide in rural areas." (July 12, 1998). In the summer of 2000, Orange County experienced wildfires near Wedgefield, Bithlo, Lake Mary Jane, and Christmas.

Attention has been focused on this issue by various state and federal agencies. Former Governor Lawton Chiles' Wildfire Response and Mitigation Review Committee (Committee) issued a report recommending that "local governments, in cooperation with the [Florida] Department of Community Affairs, ... promote compact urban growth through the comprehensive planning process to prevent and mitigate the potential adverse impacts if wildfires upon urbanizing areas" (Emergency Response Planning & Management 1999). It remains to be seen how the Committee's recommendations may influence state and local government policies and practices.

Another emergency issue, fire protection services, has been under debate in recent months as a result of conflict between Orange County and the City of Apopka over the provision of services to rural areas. While this conflict is being resolved through ongoing discussions, the need for other service agreements or redistribution of service routes may increase as a result of annexation activity on the part of municipalities. Orange County staff should monitor emergency-related issues as conditions change in the various areas of the county.

Recommendations

The intent of this study is to provide context for evaluation of Rural Settlement policies and to make preliminary recommendations. Additional considerations and recommendations may develop as a result of public participation activities during the cycle of future land use amendments to implement the Evaluation and Appraisal Report of the Orange County 1990-2010 Comprehensive Policy Plan. Preliminary recommendations are as follows:

- ◆ Revise Future Land Use Policy 2.1.10, regarding the designation of land as Low or Low-Medium Density Residential for the provision of affordable housing, to reference the need for available infrastructure. Revise language in the Housing Element relating to the provision of affordable housing in and services to Rural Settlements for in a similar fashion for consistency.
- ◆ Modify references to the creation of new Rural Settlements in Future Land Use Policy 2.1.3.
- ◆ Modify Future Land Use Policy 2.1.5, also referencing new Rural Settlements.
- ◆ Lessen the acreage threshold of 100 acres for consideration of development proposals as a Planned Development (Future Land Use Policy 2.1.6) to allow the county greater latitude for preservation of rural character.
- ◆ Implement a slate of activities to solicit the opinions of Rural Settlement residents regarding the future of their communities during the EAR-based amendments, with special consideration given to potential revision of adopted Rural Settlement boundaries.
- ◆ Revise Future Land Use Policy 2.1.14 to provide additional criteria for appropriate commercial development in Rural Settlements.
- ◆ Revisit policies regarding the extension of central water and wastewater service to Rural Settlement areas to note additional policy language that may be needed to accommodate environmental factors or changed conditions since plan adoption to clarify under what circumstances central services may be made available.
- ◆ Implement the CPP recommendation to create a specific zoning district overlay for the different Rural Settlements, addressing, at a minimum, road design, transportation access, and landscaping, as recommended in FLU Policy 2.1.7. Provide for limited implementation on a demonstration basis at major intersections in selected Rural Settlements.
- ◆ Define the intent of “rural character” as referenced in FLU Policy 2.1.8. as part of the EAR-based amendments to provide more meaningful policy direction and guidance regarding development proposals.
- ◆ Assess the revision and/or addition of Future Land Use Policies regarding review of future land use and zoning proposals in Rural Settlements that are Preservation Districts to help ensure that community cohesiveness is not negatively affected by land use or zoning decisions.

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Rural Settlement Study Appendices

Appendix A

Municipality Jurisdiction Map

Appendix B

East Orange County Task Force

Executive Summary

On the issue of future development east of the Econlockhatchee River, the task force is divided. Large landowners want to be allowed to develop their land at a density greater than 1 unit/10 acres; some have proposed residential densities of 2 to 4 units/acre with the protection of wetlands and environmentally sensitive lands. Environmentalists are concerned over the impacts that further development would have on this environmentally sensitive area. They are particularly concerned over potential impacts on water quantity and quality in the St. John's River Basin and the Econlockhatchee River Basin. Residents are divided between those who wish to maintain the rural character of the area and support current regulations, and those who see development as inevitable and a catalyst for bringing a grocery store, Laundromat, restaurants and other desired services. *Note: A new Winn-Dixie grocery store is now under construction at SR50 and Lake Pickett Road*

The speaker that addressed commercial development stressed that grocery stores and other commercial businesses needed a minimum number and concentration of "rooftops" before they would invest in a new store and therefore those services would only come with development. The speaker that addressed residential development did not rule out the potential for new development in the area, but did emphasize factors important to homebuyers such as good schools, access to employment centers, proximity to shopping, and availability of water and sewer.

Development approved just west of the Econlockhatchee River includes Avalon Park, Sunflower Trail, Estates, Spring Lake and Waterford Trails that have a combined total of over 6,000 residential units.

Development	Gross Acres	Net Acres	Residential	Commercial
Avalon Park	1,859 acres	1,577 acres	3,831	221,560 sq ft
Sunflower Trail Estates (Eidson)	615 acres	408 acres	1,634	50,000 sq ft
Spring Lake	400 acres	232 acres	1,232	50,000 sq ft
Waterford Trails (Colonial Sunflower)	286 acres	134 acres	531	

Just west of these approved developments is the Alafaya Trail corridor that has been one of the fastest growing residential areas in Orange County over the past decade. Developers at Waterford Lakes, Eastwood and Stonybrook have already built thousands of residential units and have approvals to build thousands more. New developments such as Woodland Lakes are also in the approval process.

Utilities

Orange County's Public Utilities Division has plans to provide a 20 inch water main and 12 inch wastewater force main to serve the vested developments of Cypress Lakes and Corner Lake, Corner Lake Middle School and potentially Columbia Elementary School. The water and/or sewer lines could be oversized to provide service to the existing Rural Settlements. For example, oversized the lines to 24 inches and 16-20 inches respectively could provide enough capacity to serve the Bithlo Rural Settlement. However, the costs for the distribution system would be significant. It has been estimated that the water distribution system for Bithlo could cost about \$9 million and sewer connections could cost about the same (cost of \$12,000 per residence).

Some members of the task force have raised the question of how residents of Bithlo could afford connection fees and then monthly utility bills. It is estimated that over 75 percent of residential units within the Bithlo Rural Settlement are trailers or mobile homes. The 1990 Census revealed that average incomes are low and poverty levels are high. Many residents have stated that they do not want or cannot afford water or sewer.

Some members of the task force suggest that the County should incur all costs to connect residents (at least to a central water system) in the name of health, safety and welfare. They argue that the quality of water from local wells is poor and that some saltwater intrusion has appeared in wells at Wedgefield. Some also argue that the County should bear the cost of connecting residents to central sewer because of concerns over septic tanks.

Representatives of Wedgefield and Christmas have made it clear at the task force meetings that if Bithlo gets water and/or sewer service they want the same. Residents of Wedgefield complain that the independent utility that serves them charges more than Orange County Public Utilities and provides an inferior service. Similarly, residents of Christmas expect the same treatment as Bithlo.

The task force at its October 15th meeting voted that water and sewer lines should be oversized to service the Bithlo, Wedgefield and Christmas Rural Settlements and that the additional capacity should be reserved indefinitely until residents could be connected to the system. The only task force members voting against this recommendation were the landowners who want to develop their land and connect to the system.

Roads

The East Orange County Transportation Needs Assessment Study proposes to six-lane SR 50 to Chuluota Road and F.D.O.T has future plans to four-lane SR 520 from SR 50 to the Brevard County line. The widening of SR 520 is planned but currently unfunded.

Generally, landowners and residents welcomed the proposals to widen SR 50 and asked why it would not be widened east of Chuluota Road. Staff explained that SR 50 between Chuluota Road (CR 419) and SR 520 was operating at an acceptable level of service. Environmentalists questioned the need and the rationale for road widening.

There was consensus on the task force for paving dirt roads in the Rural Settlements and Public Works explained their program that is designed to pave all roads within the next 10 years.

The task force has not yet voted on any transportation issues.

Environmental Protection

The task force spent more time on environmental issues than on any other subject. Speakers addressed a wide range of issues and there was consensus on several points including the environmentally sensitive nature of the area and the need for protection and preservation. There was consensus on the importance and value of Orange County and other agencies purchasing and protecting environmentally sensitive lands.

The task force was divided over the question of the effectiveness of existing environmental regulations. While the environmentalists on the task force argued that environmental regulations could be strengthened and more studies of natural systems needed to be completed before relaxing development controls, landowners and residents generally believed that environmental regulations such as those that protect the Econlockhatchee River Basin provided sufficient protection. Landowners and residents believed that any more regulation would adversely affect their property rights.

The task force voted 10 to 5 against a proposal to keep growth management policies unchanged until a comprehensive watershed basin assessment was completed.

Appendix C

*Vote of the Orange County Board of County
Commissioners:*

*Extension of Utility Lines
Across the Econlockhatchee River*

Action

The Board did not take any action.

County Chairman Chapin adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

- County Chairman Linda Chapin
- Commissioners Bob Freeman, Tom Staley, Mary Johnson, Clarence Hoenstine, Ted Edwards, and Mable Butler
- County Comptroller as Clerk Martha Haynie
- County Administrator Jean Bennett
- County Attorney Tom Wilkes
- Deputy Clerk Rosilyn Stapleton

The Board paused for an invocation by Melissa Ann Hinson, chairwoman of the University of Central Florida President's Leadership Council, followed by the Pledge of Allegiance to the Flag.

Presentation of Service Awards

County Chairman Chapin presented service awards and pins to the following employees:

- Barbara L. Luttrell of the Planning and Community Services Division for 30 years of service.
- Almellia S. Brown and Sammy E. Fadley of the Health and Family Services Division for 20 years of service.
- Ted D. Brown and Brian M. McGrew of the Fire Rescue Division for 20 years of service.
- David A. Hall of the Fire Rescue Division for 25 years of service.

UTILITY PUBLIC HEARING - WATER AND WASTEWATER PIPELINE CROSSING OF ECON RIVER; EXTENSION OF SERVICE; RECOMMENDATIONS OF THE EAST ORANGE COUNTY TASK FORCE; DISTRICT 5

Notice was given that the Board of County Commissioners would hold a public hearing to consider a water and wastewater pipeline

crossing of Econ River and extension of water and wastewater services to C.R. 419 and S.R. 50 with consideration of the recommendations of the East Orange County Task Force.

Report

Grant Downing, chairman of the East Orange County Task Force, addressed the Board and stated that the Task Force conducted eight meetings to consider and make recommendations on growth management policy for the area of Orange County east of the Econ River. Mr. Downing reviewed the recommendations of the Task Force and pointed out that the majority of the members agreed that oversized sewer lines should cross the Econ River; however, they should be only for residents of existing rural settlements. He further noted that these pipelines should be reserved for those residents only until such time as funds are available for them to connect to water and sewer, and that pipelines should not be constructed as a means for inducing or allowing additional development.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board accepted the Report of the East Orange County Task Force.

(Report is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

Staff Report

Utilities Division Director Alan Ispass stated that the purpose of this hearing is to decide whether or not to oversize the water and wastewater pipelines crossing the Econ River and extending to C.R. 419 which will be constructed by the developer of Cypress Lakes. Mr. Ispass reviewed the location of the pipelines and the costs of oversizing same.

Commissioner Edwards reviewed the motion he will be proposing. Commissioner Freeman suggested amending Condition 5 to read, "Nonvested development shall not be allowed to connect to the extended utility lines until a sector plan is approved."

Appearances

The following persons addressed the Board in favor of the resolution:

- Virginia Cebula, 2527 Ardon Avenue, Orlando, Florida.

- Tom Daly, 611 West Fairbanks Avenue, Winter Park, Florida.
- Hugh Harling; 850 Courtland Street, Orlando, Florida; representing three property owners.
- Alison Yurko, Esquire; Gray, Harris & Robinson, P.A.; 201 East Pine Street, Orlando, Florida; representing property owners.
- Bob Carrigan, 18350 East Colonial Drive, Orlando, Florida.
- Eloise Rybolt, 2929 Lake Pineloch Boulevard, Orlando, Florida.

The following persons addressed the Board in opposition to the resolution:

- Cory Goodman, 258 South C.R. 13, Bithlo, Florida.
- Anita Chamberlain, president of Bithlo Civic Association; 2909 Eighth Street, Bithlo, Florida.
- Bob Whitmer, 695 Riverwood Trail, Chuluota, Florida.
- William Pons, 18501 15th Avenue, Orlando, Florida.
- Michael Forest, 601 North Interlachen Drive, Winter Park, Florida.
- Burton Eno, 2972 South Tanner Road, Orlando, Florida.
- Bruce Stephenson, 1445 Mayfield Avenue, Winter Park, Florida.
- Kay Yeuell, 220 White Oak Circle, Maitland, Florida.
- John Puhek, 4425 Winderwood Circle, Orlando, Florida.
- John Winfrey (no address given).
- Susan Eberle, 652 West Palm Valley Drive, Oviedo, Florida.
- Ken Bosserman (no address given).

The following persons addressed the Board with general comments:

- R.P. Mohnacky, Ocoee, Florida.

- Gerald Braley, 1943 Greenmeadow Lane, Orlando, Florida.
- Jerry Bell, 4123 Chuluota Road, Orlando, Florida.
- Eugene Stoccardo, 715 Warrenton Road, Winter Park, Florida.

Discussion

County Chairman Chapin closed the public hearing and opened the matter for Board discussion.

Action

Upon a motion by Commissioner Edwards, seconded by Commissioner Butler, and carried with Commissioners Freeman, Staley, Edwards, and Butler voting AYE by voice vote; County Chairman Chapin and Commissioners Hoenstine and Johnson voting NO by voice vote; the Board approved a water and wastewater pipeline crossing of Econ River and extension of water and wastewater services to C.R. 419 and S.R. 50 as recommended by the East Orange County Task Force, subject to the following conditions:

1. In the event that the developer of Cypress Lakes Investments, Limited, at its own cost, extends a 20-inch diameter water main and 12-inch diameter wastewater force main across the Econ River to the intersection of S.R. 50 and C.R. 419, then, the County will, by paying the incremental cost, oversize the water main from a 20-inch diameter to a 24-inch diameter from Sunflower Trail to the intersection of S.R. 50 and C.R. 419 and oversize the wastewater force main from a 12-inch diameter to a 24-inch diameter from Sunflower Trail to just east of the Econ River.
2. This action is an affirmative finding by the Board of County Commissioners that the extension is intended to remediate health and safety concerns in the Bithlo Rural Settlement.
3. The extended utility lines shall be utilized from only vested development within the Rural Settlement.
4. The extended utility lines shall not be a justification or basis for approving new development.
5. The utility lines shall not be used for any new nonvested development beyond one (1) unit per acre in the Rural Settlements.

6. Nonvested development shall not be allowed to connect to the extended utility lines unless and until the Urban Service Area boundary is extended to include such nonvested development or a sector plan is approved.
7. These conditions shall be incorporated into the Comprehensive Policy Plan as part of the Evaluation and Appraisal Report (EAR) Based Amendments in 1999.

Action

Upon a motion by Commissioner Freeman, seconded by County Chairman Chapin, and carried with all members present and voting AYE by voice vote, the Board approved amending Condition 5 as follows:

- Nonvested development shall not be allowed to connect to the extended utility lines until a sector plan is approved.

Action

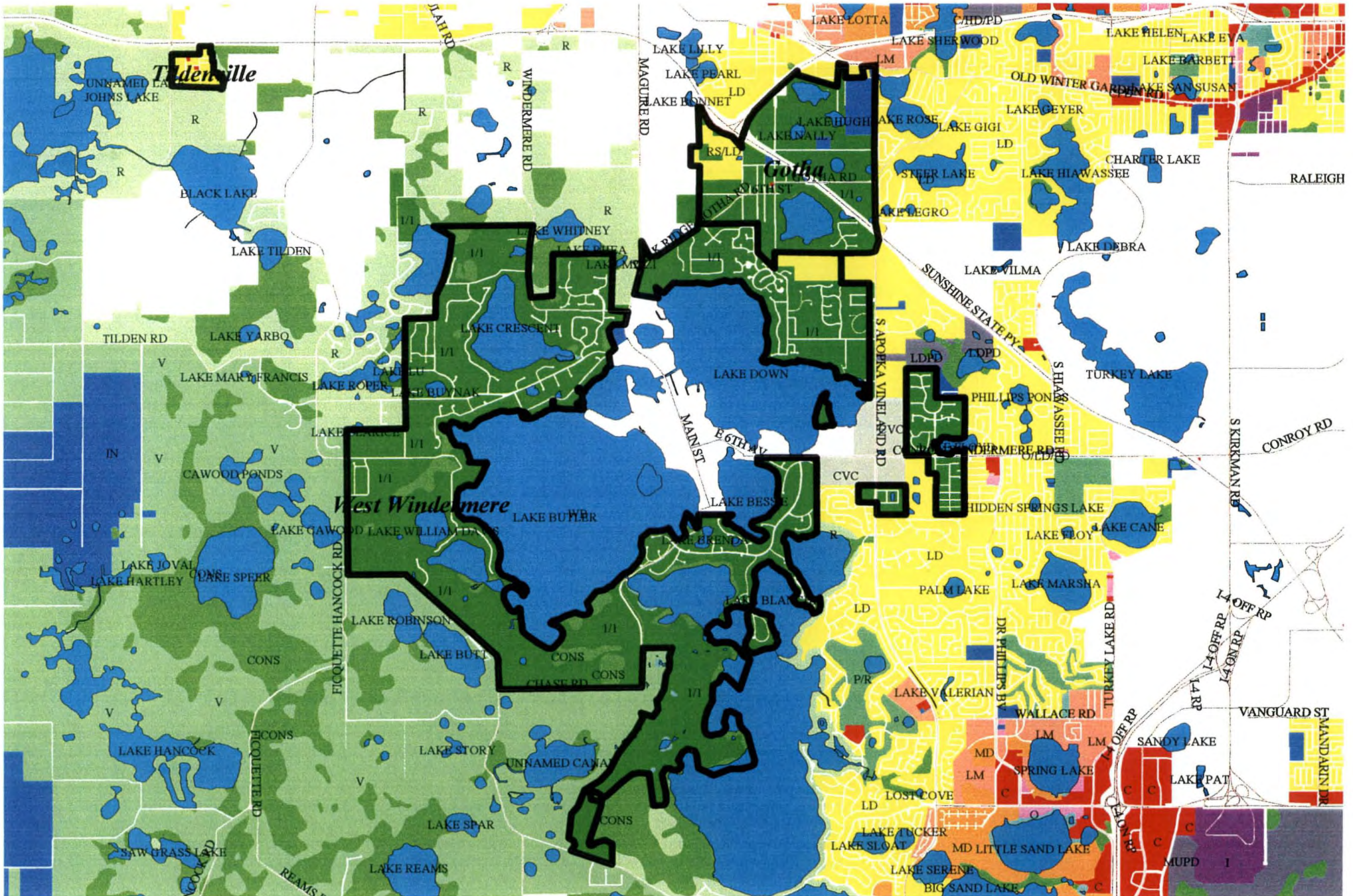
A motion by County Chairman Chapin, seconded by Commissioner Johnson; with County Chairman Chapin and Commissioners Hoenstine and Johnson voting AYE by voice vote; Commissioners Freeman, Staley, Edwards, and Butler voting NO by voice vote, to approve deleting the words "and oversize the wastewater force main from a 12-inch diameter to a 24-inch diameter from Sunflower Trail to just east of the Econ River" to read, "and allow the crossing of the Econ only with water lines" in Paragraph 1 failed.

BOARD OF ZONING ADJUSTMENT APPEAL - APPLICANT/APPELLANT: CHARLES W. CLAYTON, JR.; ITEM 12, AUGUST 6, 1998; DISTRICT 5 (CONTINUED FROM SEPTEMBER 22, 1998)

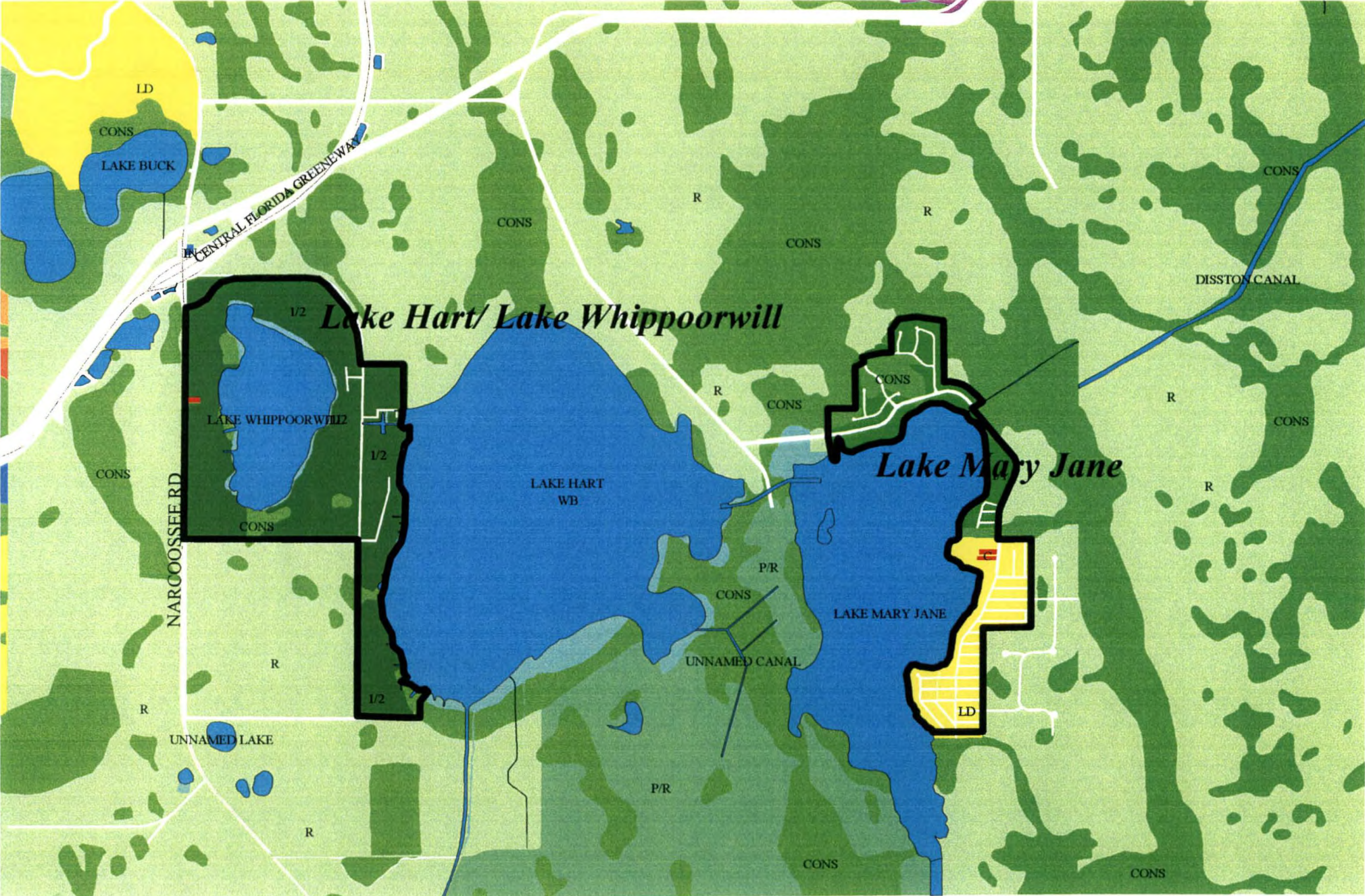
By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Charles W. Clayton, Jr., Lee Parkway Building, of the recommendation of the Board of Zoning Adjustment, dated August 6, 1998, on a request by Charles W. Clayton, Jr., Lee Parkway Building, for variances in Professional Office District (PO) zone to provide 55 paved parking spaces in lieu of 66 spaces and eliminate a 7.0-foot-wide landscape buffer along the side (east) property line, continued from the September 22, 1998, Board meeting.

(The legal property description is on file in the office of the Comptroller Clerk of the Board of County Commissioners.)

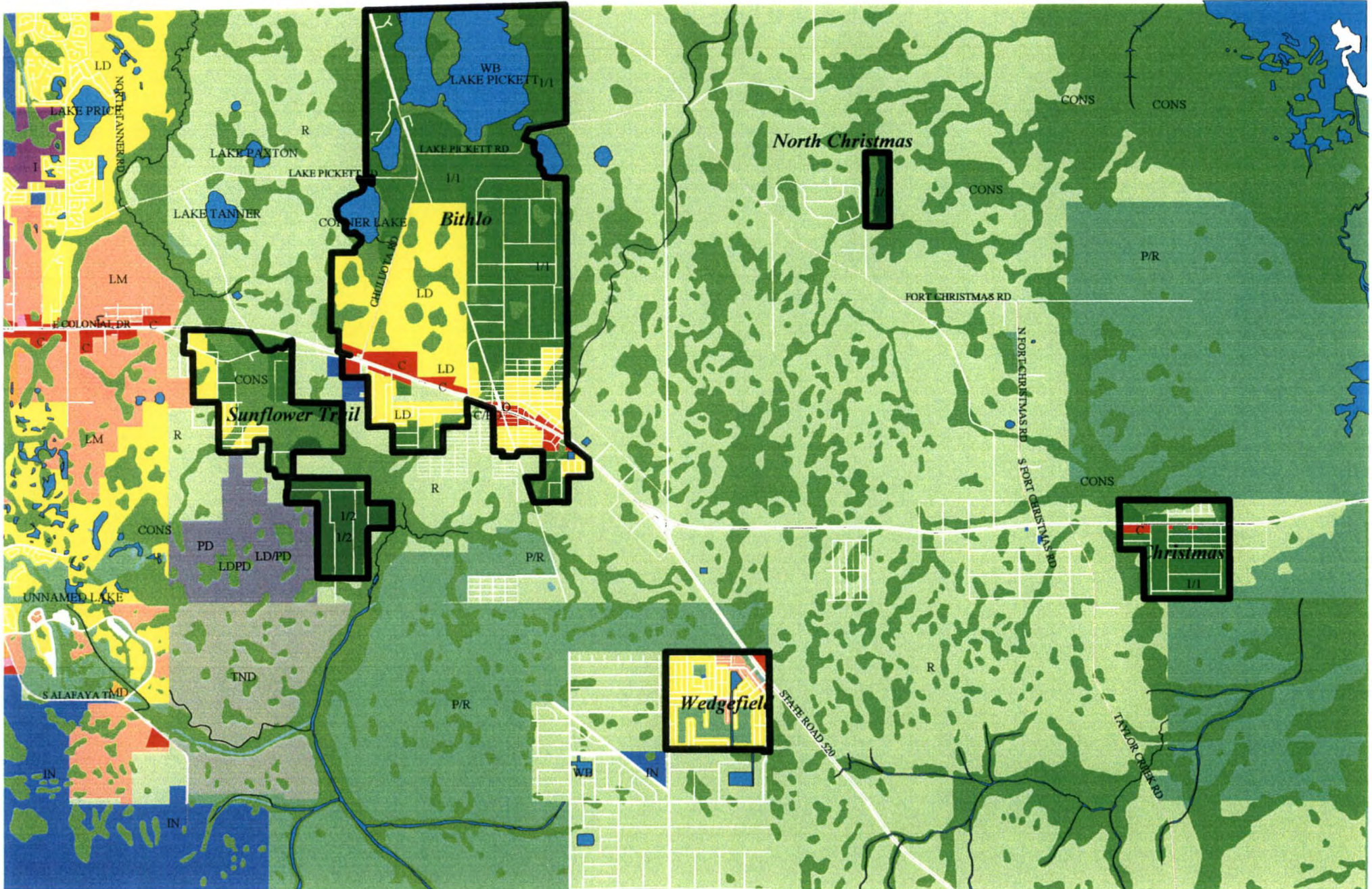
Rural Settlement Study / West Orange County Future Land Use



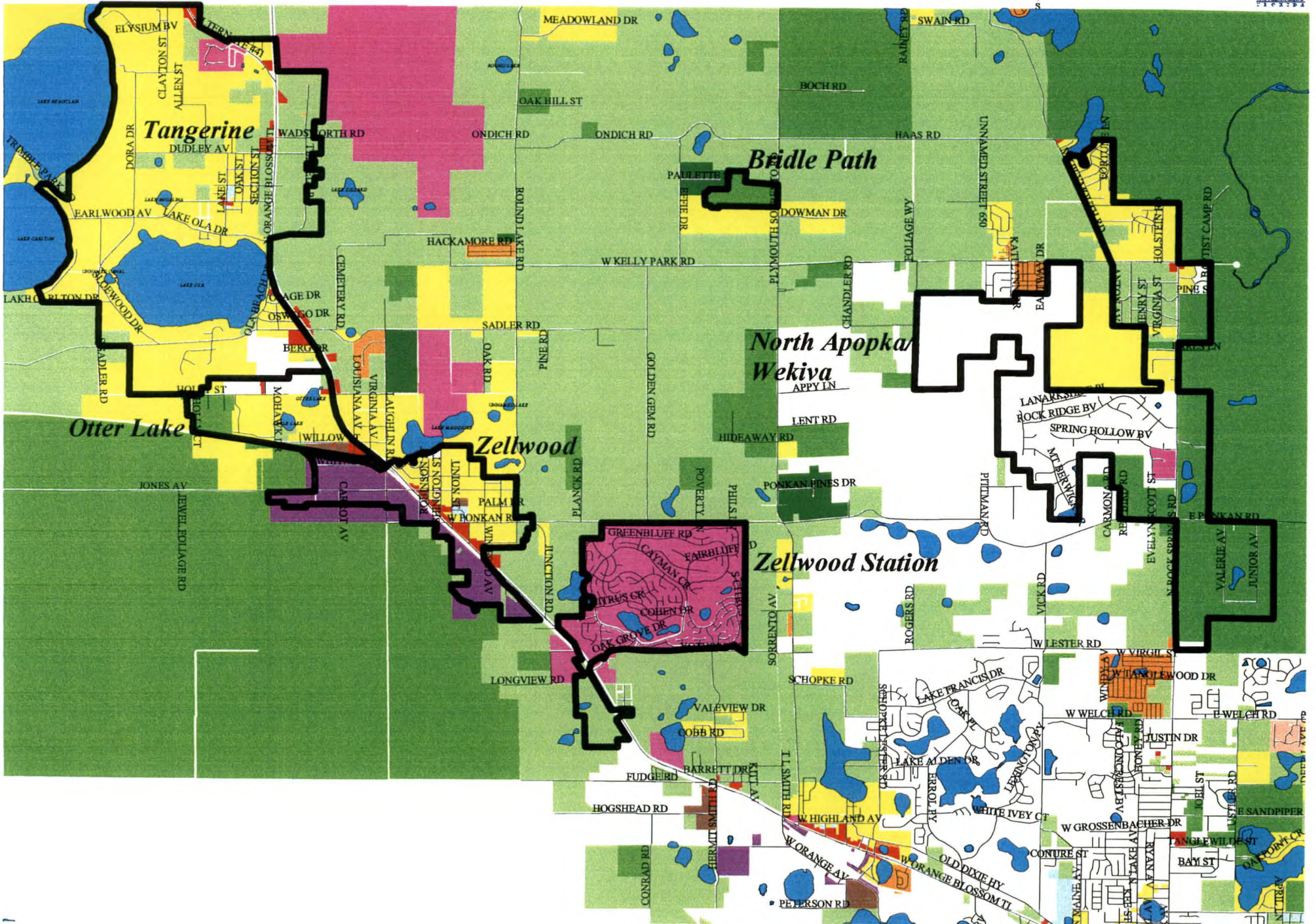
Rural Settlement Study / Southeast Orange County Future Land Use



Rural Settlement Study / Northeast Orange County Future Land Use



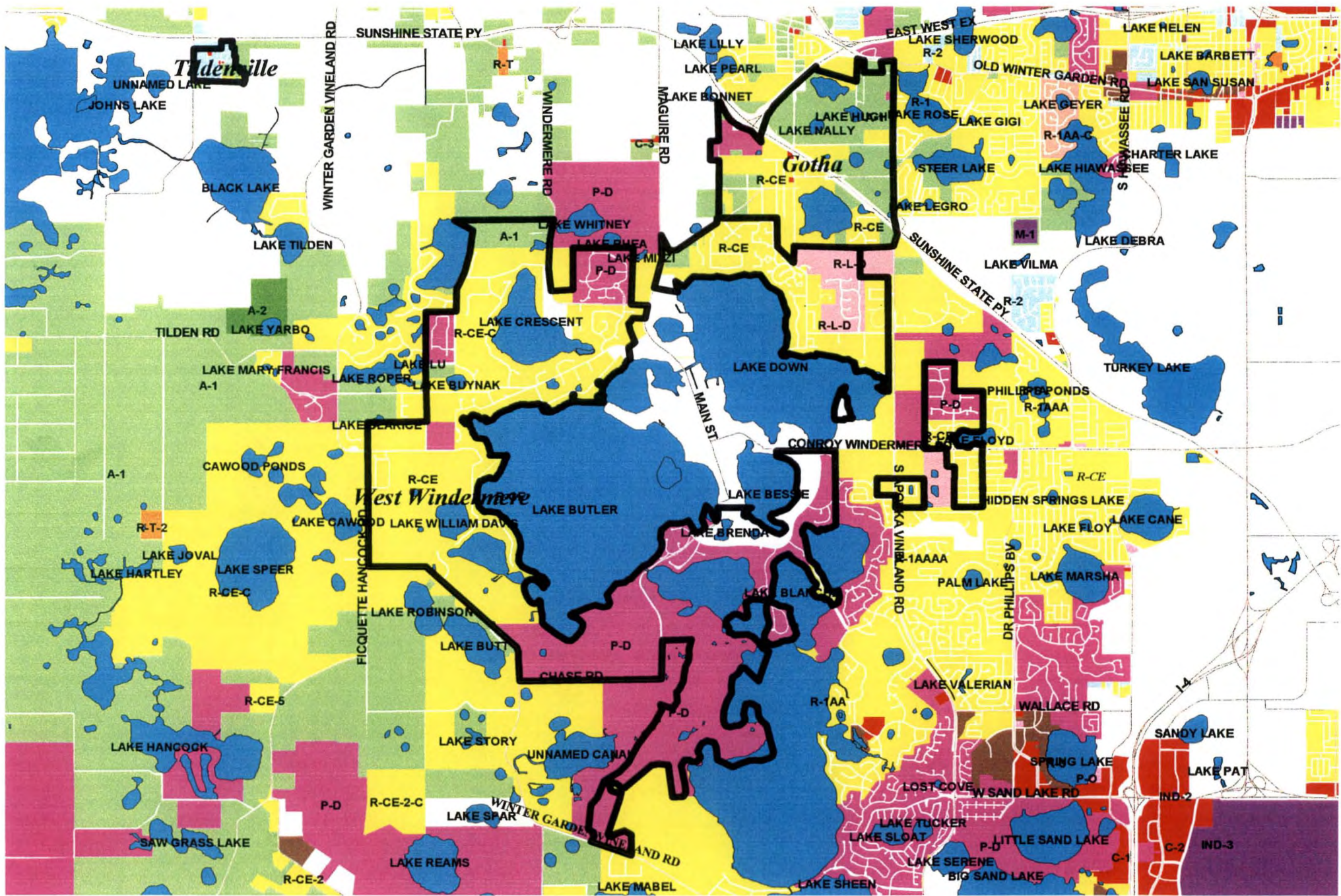
Rural Settlement Study / Northwest Orange County Future Land Use



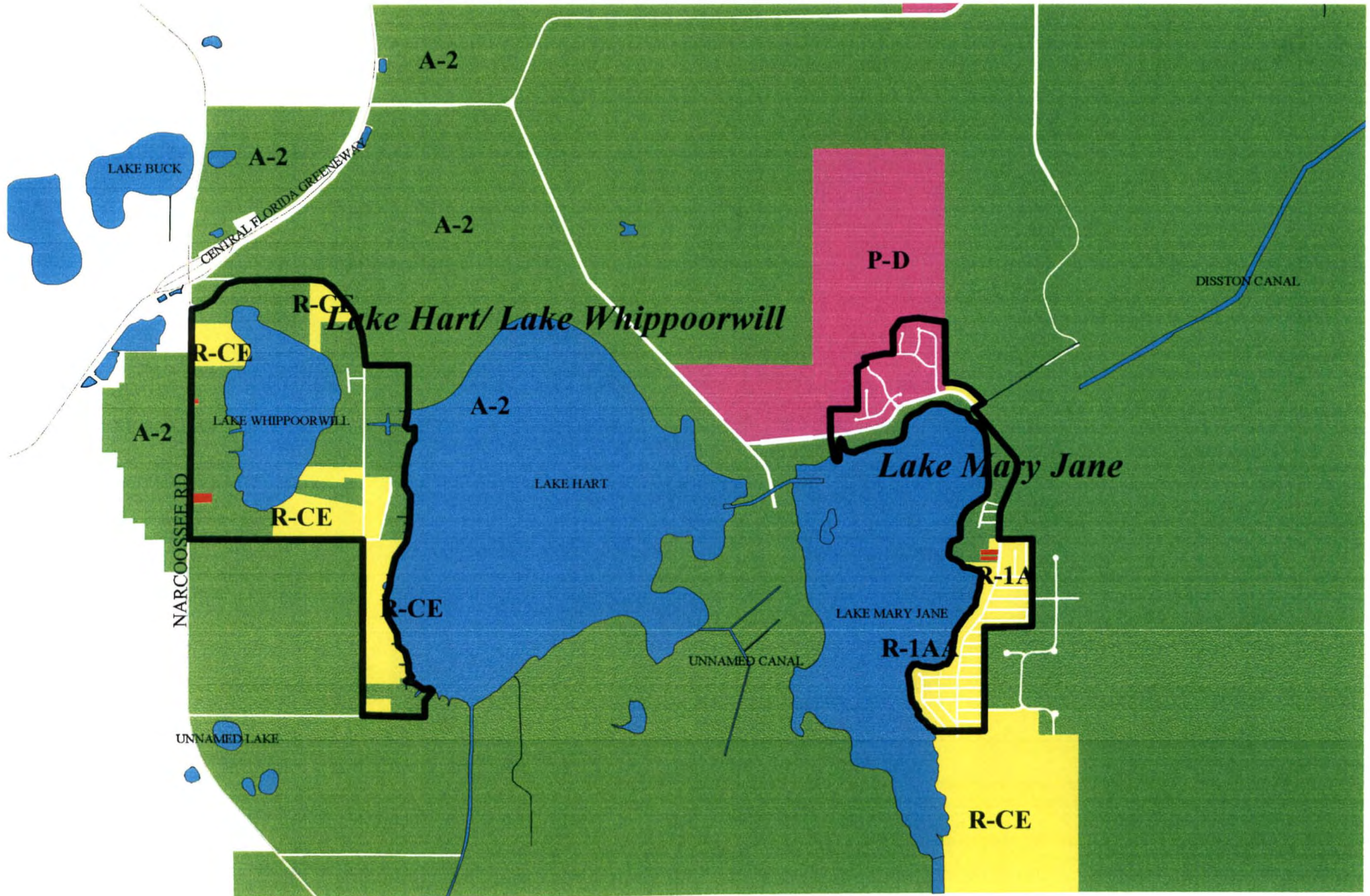
Appendix E

Zoning Maps Rural -- Settlements

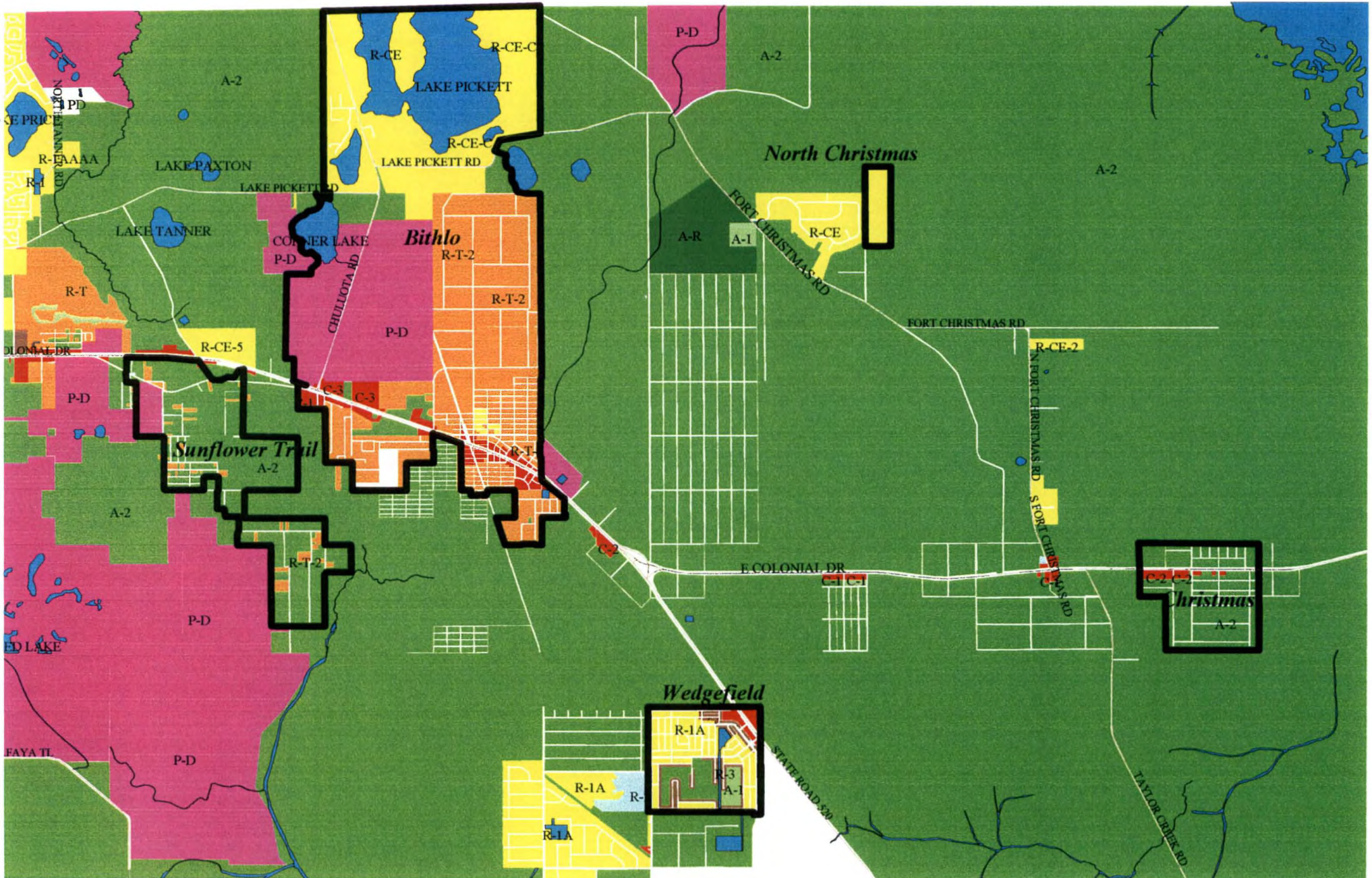
Rural Settlement Study / West Orange County Zoning



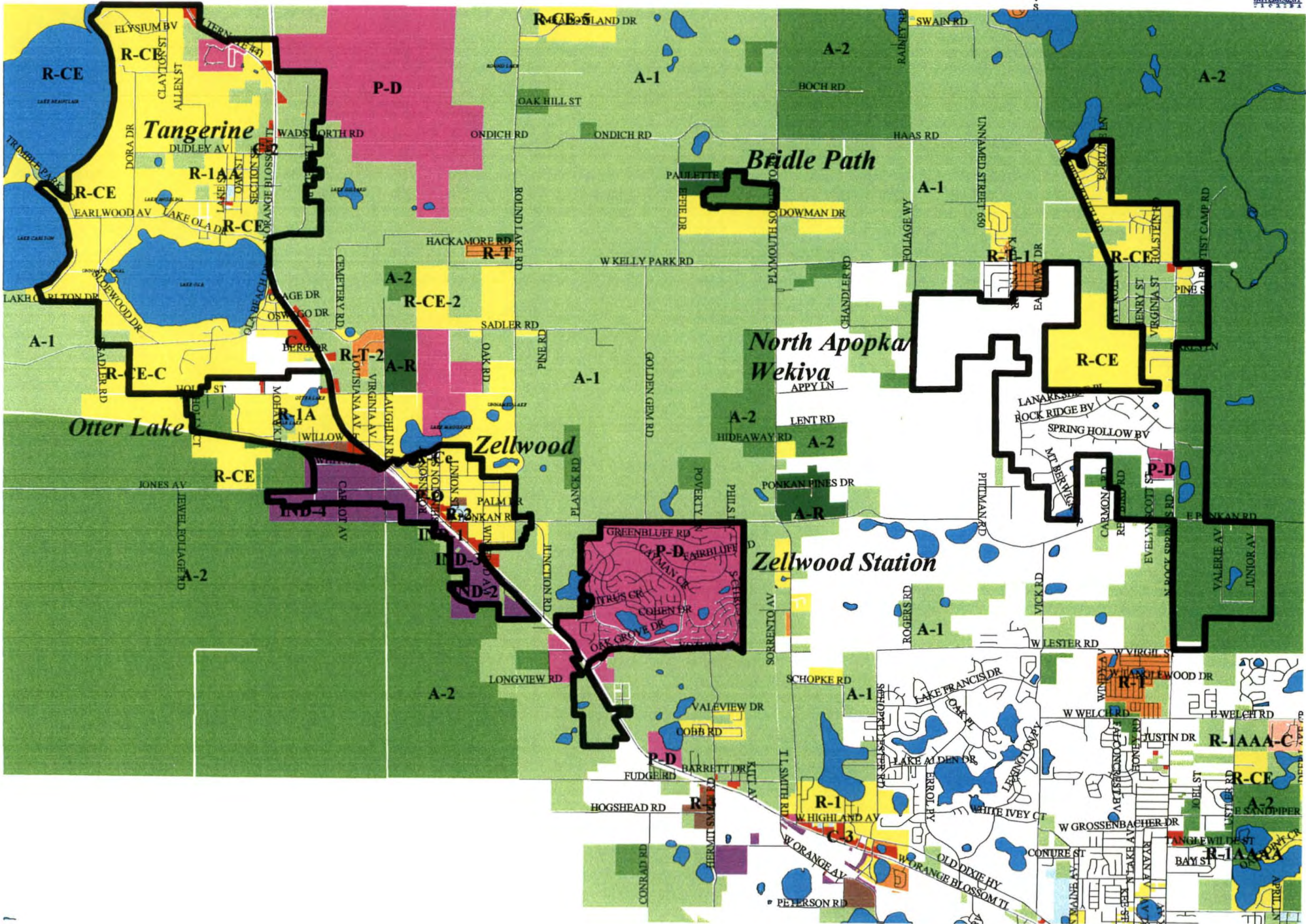
Rural Settlement Study / Southeast Orange County Zoning



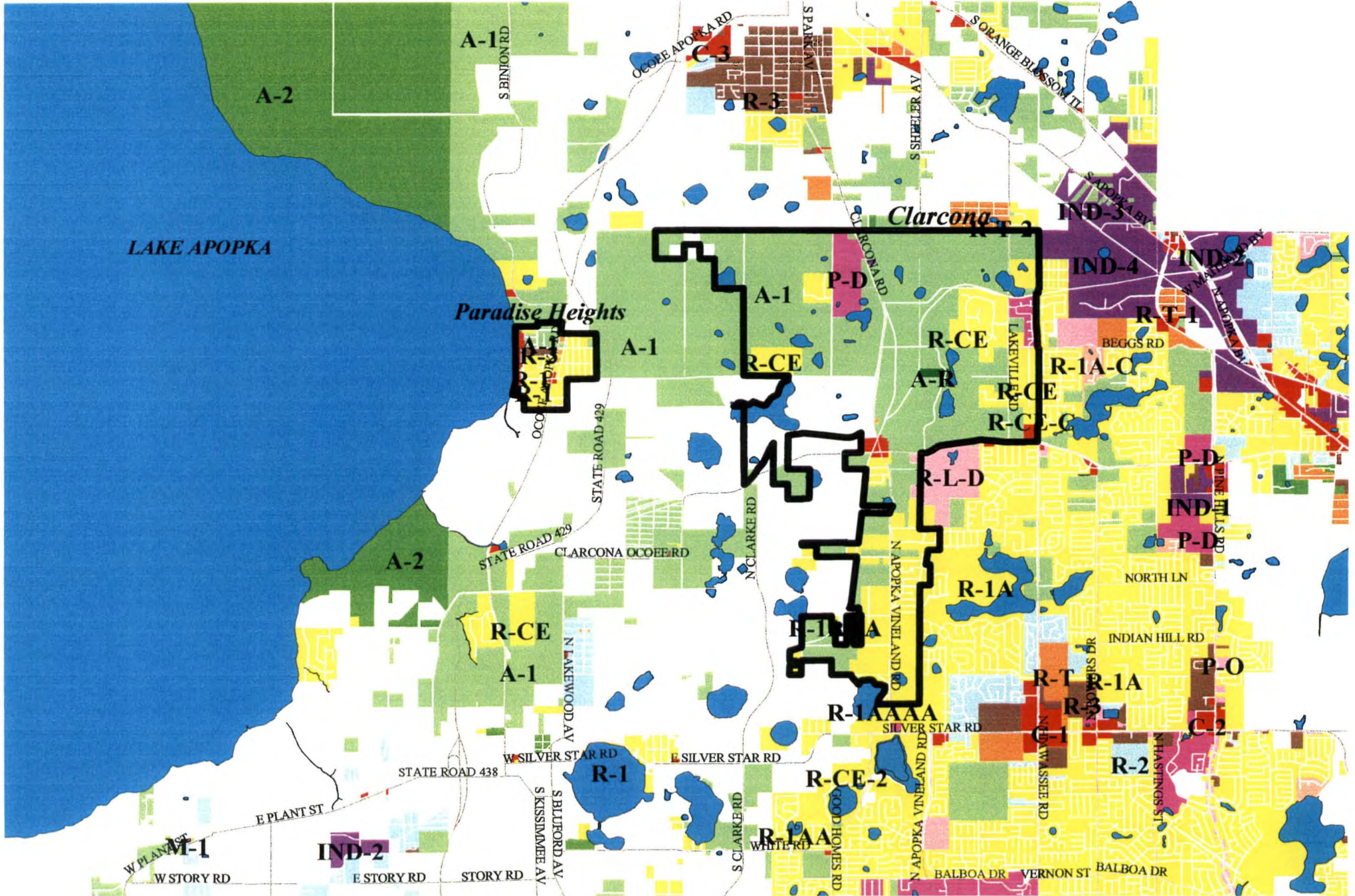
Rural Settlement Study / Northeast Orange County Zoning



Rural Settlement Study / Northwest Orange County
 Zoning



Rural Settlement Study / West Orange County Zoning



Appendix F

*Future Land Use Element Policies
Relating to Rural Settlements*

GOAL 2

The County shall institute effective planning controls to preserve (active) agricultural land in the Rural Service Area.

OBJECTIVE 2.1

Rural Settlements shall be implemented to allow residential uses in the Rural Service Area while precluding development in active agricultural areas. The creation of Rural Settlements recognizes the goal of preserving agricultural and rural uses in Orange County's Rural Service Area. Due to the urban uses created by numerous municipal annexations in the Rural Service Area, Orange County is constrained to preserve these rural areas by creating Rural Settlements. This planning technique shall be utilized by implementing the following policies.

POLICIES

2.1.1

Orange County shall designate the following Rural Settlements on the Future Land Use Map to meet the demand for a rural lifestyle.

- Bithlo
- Christmas
- Clarcona
- Gotha
- Lake Hart/Lake Whippoorwill
- Lake Mary Jane
- North Apopka/Wekiva
- North Christmas
- Otter Lake
- Paradise Heights
- Sunflower Trail/Seaward Plantation
- Tangerine
- Tildenville
- Wedgefield
- West Windermere
- Zellwood
- Zellwood Station

2.1.2

Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha Rural Settlements as part of Orange County's heritage and historic preservation.

2.1.3

Expansions or the creation of Rural Settlements shall be approved only as an amendment to the comprehensive plan. A proposal for amendment to the comprehensive plan for the expansion or creation

of a Rural Settlement shall consist of a small area study, public or private sector sponsored. The small area study shall identify land use, density, and development regulations ensuring that the rural character will be maintained; and, shall demonstrate that the land within the existing Urban Service Area, Rural Settlements and Growth Centers is not sufficient to accommodate the projected twenty-year population and employment needs.

- 2.1.4 Expansion of a Rural Settlement shall be contiguous to the Rural Settlement. The Board of County Commissioners will use the following guideline to determine contiguity: The total linear footage of the perimeter of the property to be added to the Rural Settlement area shall be at least 25 percent contiguous to the existing Rural Settlement area. The Board of County Commissioners shall have the authority to consider a variation in the percentage requirement in unique circumstances attributed to the configuration of the site. Said contiguity shall not apply to the establishment of new Rural Settlements.
- 2.1.5 New Rural Settlements shall be a minimum of twenty acres.
- 2.1.6 Development proposals of over 100 acres within a Rural Settlement shall have final approval as a Planned Development. The Planned Development shall reflect the intended rural character.
- 2.1.7 A Rural Settlement zoning district shall be included in the Land Development Code by June 1992. This district shall include criteria to ensure new development within the Rural Settlement contributes to the community's sense of place. This criteria shall include, but not be limited to, the following:
- A. Designs for new roads, and alterations to existing roads, should ensure the physical impact on the natural and historic environment is kept to a minimum;
 - B. New roads or road improvements shall be designed to accommodate the anticipated volume and nature of traffic, but pavement shall be kept as narrow as safety allows while allowing for alternative means of transportation and aesthetically pleasing landscape treatment; and,
 - C. New buildings and structures shall be located where their construction or access does not cause substantial modification to the topography and natural resources.

- 2.1.8 The permitted densities and intensities of land use within the Rural Settlements shall maintain the rural character.
- 2.1.9 The Future Land Use Map shall reflect the permitted densities of development within the Rural Settlements. Clustering of units with dedicated open space shall be allowed so long as the overall density* does not exceed that specified on the Future Land Use Map.
- * Density refers to the total number of units divided by developable land, i.e., natural lakes and designated Conservation Areas are excluded from the gross land area calculations.
- 2.1.10
(Amend. 6/94. Ord.#94-13) With the exception of land designated Low and Low-Medium Density Residential on the Future Land Use Map within the Rural Settlement at the time of plan adoption, additional land designated Low and Low-Medium Density Residential shall not be permitted in Rural Settlements except for County certified affordable housing projects and as provided in Future Land Use Policy 2.1.17. Future Land Use Map amendments for County certified affordable housing projects shall only be supported when a linkage of affordable housing and need within the Settlement is demonstrated. All other amendments to residential densities of the Rural Settlement shall not allow residential development to exceed one (1) dwelling unit per acre.
- 2.1.11 Amendments to residential densities of the Rural Settlements shall not allow residential development to exceed 1 DU/Acre except as provided for in Future Land Use Policy 2.1.10.
- 2.1.12 Commercial and office uses shall be allowed in Rural Settlements in areas designated for such on the Future Land Use Map. Only those commercial and office uses which will support existing residential uses, i.e., neighborhood commercial, shall be permitted in Rural Settlements.
- 2.1.13 Industrial uses in the Rural Service Area shall be permitted only as shown on the Future Land Use Map within the Rural Settlements of Bithlo, Christmas, and Zellwood. Approval of such industrial uses shall be conditioned upon soil suitability for use of septic tanks and shall be contingent upon the provision of adequate fire flows. Furthermore such industrial uses shall be limited to those which do not produce hazardous, toxic, or industrial waste. Further industrial designations shall be prohibited from all Rural Settlements including Bithlo, Christmas, and Zellwood.

2.1.14 Commercial uses in Rural Settlements shall not exceed the neighborhood level and shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area and not primarily to attract "pass-by" trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

2.1.15 Existing water and wastewater facilities providing service to Rural Settlements shall not be expanded. The existing capacity shall not be used as a reason for increased densities within the Rural Settlement.

2.1.16 The following criteria shall be used to determine the boundaries of Rural Settlements:

- A. Geographic features (e.g., Butler Chain of Lakes in West Windermere, and wetlands);
- B. Existing roads;
- C. Lot/parcel configuration;
- D. Vacant parcels that would be logical infill;
- E. Urban type zoning (e.g., R-1AA);
- F. Existence of governmental service structures such as a post office, school, or community center (Gotha, Zellwood, Tangerine, Otter Lake, and Christmas);
- G. Long standing civic organizations comprised of long term residents that represent the Rural Settlement (Tangerine, Clarcona);
- H. Historical significance (Clarcona, Zellwood and Gotha);
- I. Impact of planned or programmed improvements; and,
- J. Balance of land use availability by quadrant of the County.

2.1.17
(Added 6/94, Ord.#94-13)

Residential development shall be permitted up to two (2) dwelling units per acre for property located within a Rural Settlement which abuts higher density or intensity urban development located in an adjacent political jurisdictions. This provision is intended to permit a transition or buffer from higher density urban development in an adjacent political jurisdiction. Such transition properties shall be designated Rural Settlement Low Density Residential on the Future Land Use Map, but restricted to no more than two (2) dwelling units per acre and shall require an amendment to the comprehensive plan. Parcels greater than twenty (20) acres must be approved as a Planned Development. Higher density urban development shall be defined as existing or vested development, or future land use designations allowing three (3) residential units per acre or greater or

non-residential uses. Adjacency requires a minimum of twenty-five percent (25%) contiguity with another jurisdiction and properties within the Rural Settlement must not exceed fifty (50) acres under common ownership. Such increased density shall not be an impetus for the provision of central services within the Rural Settlement.

Appendix G

***R-CE Cluster District
(Section 38-551, Orange County Code)***

DIVISION 13. R-CE-CLUSTER DISTRICT*

Sec. 38-551. Purpose and intent.

The intent and purpose of the R-CE-Cluster district is as follows:

(Ord. No. 97-03, § 4, 2-25-97)

- (1) To provide an alternative approach to residential development under specified residential zoning districts.
- (2) To enhance the living environment through the creation of permanent open space.
- (3) To provide flexibility in lot size, housing styles and building placement for variety in development design compatible with abutting development.
- (4) To provide for a more cost-effective development design and thereby providing more affordable housing.
- (5) To maintain gross densities compatible with and equal to those possible under the conventional zoning.
- (6) To ensure that adequate public facilities and services are provided based upon the net densities of the development.
- (7) To encourage the dedication of public lands which serve and benefit the community.

(P & Z Res., art. XXXVI, § 1)

Sec. 38-552. Processing procedure.

(a) A complete R-CE-Cluster development zoning application shall be required for any development coming under this article. Such application shall include the following:

(Ord. No. 97-03, § 5, 2-25-97)

- (1) The configuration and dimensions of the plan drawn to a specified scale, not to exceed one (1) inch equals two hundred (200) feet.
- (2) Existing street network and anticipated access points.

*Editor's note—Ord. No. 97-03, § 3, adopted Feb. 25, 1997, set out provisions renaming the Div. 13, Cluster District, as R-CE-Cluster District.

- (3) Natural features (i.e., lakes, rivers, conservation areas).
- (4) Gross density.
- (5) Proposed type of housing and location.
- (6) Location of common open space and percent of gross land area.
- (7) Names of abutting subdivisions.
- (8) Source of water and sewer service.
- (9) Proposed method of buffering cluster development from adjacent lands.
- (10) Proposed method of ownership and maintenance of all common open space areas.

(b) Four (4) copies of the R-CE-Cluster development plan shall be submitted with the zoning application. The R-CE-Cluster zoning applications shall follow the zoning processing schedule. The R-CE-Cluster development plan shall be reviewed by the planning, zoning and engineering departments, as well as other appropriate county departments. Each department shall submit recommendations to the planning director for incorporation into a consolidated staff report which shall be available to the applicant prior to the public hearing.

(Ord. No. 97-03, § 5, 2-25-97)

(c) After a review, the planning and zoning commission shall hold a public hearing and submit its recommendation, which may include conditions of approval, to the board of county commissioners. If the cluster district is approved by the board of county commissioners, the cluster development plan and any conditions of approval shall become a part of the cluster district and shall be the basis for review and evaluation of development plans.

(P & Z Res., art. XXXVI, § 2)

Sec. 38-553. General requirements of the district.

The maximum number of units permitted under R-CE-Cluster development shall not exceed one (1) du/acre, unless a density credit is granted pursuant to section 38-588.

(P & Z Res., art. XXXVI, § 3; Ord. No. 97-03, § 6, 2-25-97; Ord. No. 98-37, § 9, 12-15-98)

Sec. 38-554. Permitted uses.

A use shall be permitted in the cluster district if the use is identified by the letter "P" in the use table set forth in section 38-77.
(P & Z Res., art. XXXVI, § 4; Ord. No. 95-16, § 18, 6-27-95)

Sec. 38-555. Special exceptions.

(a) A use shall be permitted as a special exception in the cluster district if the use is identified by the letter "S" in the use table set forth in section 38-77.

(b) Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways. The site plan shall be submitted to, and approved by, the board of zoning adjustment prior to the granting of a land use and building permit. Upon such approval, the site plan becomes part of the land use and building permit and may be amended only by the board of zoning adjustment.
(P & Z Res., art. XXXVI, § 5; Ord. No. 91-15, § 32, 6-18-91; Ord. No. 95-16, § 18, 6-27-95)

Sec. 38-556. Site and building standards.

(a) *Standards.* Development under this article shall meet the following standards:

	Minimum Lot Size	Minimum Lot Width (Feet)	Minimum Living Area (Square Feet)	Building Height (Feet)
R-CE-Cluster	1/2 acre*	100**	1,500	2-story/ 35

*If central water service is provided, the minimum lot size is one-third (1/3) acre. Lakefront lots are one-half (1/2) acre. The minimum lot size for lakefront lots on the Butler Chain of Lakes is one (1) acre.

**Lot width is measured at the building front yard setback line.

(Ord. No. 97-03, § 7, 2-25-97)

(b) *Setbacks.* The following minimum setbacks shall apply:

	Front (Feet)	Rear (Feet)	Side (Feet)
R-CE-Cluster	30	25	10

There shall be a minimum of a fifty-foot setback from the normal high water elevation from natural water bodies.

(Ord. No. 97-03, § 7, 2-25-97)

(c) *Maximum lot coverage.* The maximum coverage of all impervious surfaces on a lot shall not exceed sixty (60) percent of the land area of the lot.

(P & Z Res., art. XXXVI, § 6)

Sec. 38-557. Common open space.

(a) The amount of common open space, as required by Orange County Code, chapter 24, article II, open space regulations, shall be shown on the R-CE-Cluster development plan. A method shall be provided for assuring the maintenance of all common open space areas in perpetuity, either by transferring ownership and maintenance responsibilities for the open space areas to a trustee or mandatory homeowner's association, or by some other method acceptable to the board of county commissioners. The county shall not be responsible for the maintenance of common open space areas.

(Ord. No. 92-42, § 6, 12-15-92; Ord. No. 97-03, § 8, 2-25-97)

(b) The owner shall offer to dedicate development rights for all common open space areas to the county. The county may accept the offer of dedication. If, however, the county refuses to accept the offer, an alternative method acceptable to the county shall be provided to guarantee that common open space areas shall remain in such a state as to maintain the natural character of the area.

(P & Z Res., art. XXXVI, § 7)

Sec. 38-558. Density credit.

(a) The developer may offer to dedicate land within Orange County for specified public purpose, including, but not limited to, parks, schools,

fire stations, utility plants, etc. Acceptance of such offers shall be discretionary with the board of county commissioners.

(b) If the offer of dedication is accepted, the development shall transfer the density from the dedicated property to the development plus a sixty (60) percent credit from the property being dedicated. The allowable density on the property being dedicated shall be the same as the property being developed.

(c) The applicant may opt to pay into an Orange County Parks and Recreation Department parks fund in lieu of dedication of property. The payment in lieu of dedication shall be equal to the market value of at least 5 acres of unimproved, developable land in the subdivision. The applicant shall transfer the density for payment plus a sixty (60) percent density credit for the payment in lieu of dedication. The value of the payment in lieu of dedication shall be based upon a valid appraisal of the property as approved by Orange County. Such payment in lieu of dedication is subject to approval by the parks and recreation department and the board of county commissioners.

(Ord. No. 97-03, § 9, 2-25-97)

(P & Z Res., art. XXXVI, § 8; Ord. No. 91-29, § 2(Exh. A), 12-10-91; Ord. No. 98-37, § 10, 12-15-98)

Sec. 38-559. Performance standards.

(a) A primary intent of this article is to reduce development cost through flexible design. Therefore, the development design should provide diversity and originality in street design and lot layout to achieve the optimum relationship with the natural character of the land and enhance the living environment.

(Ord. No. 97-03, § 10, 2-25-97)

(b) Common open space shall comply with the design guidelines in Orange County Code, chapter 24, article II, open space regulations.

(Ord. No. 92-42, § 7, 12-15-92)

(c) The keeping of poultry (SIC Group 025) and cows and horses (SIC Group 0272) for domestic purposes on individual residential lots one (1) acre in size or greater is permitted, subject to the

conditions listed in subsections 38-79(38) and (44). Further, within the R-CE-Cluster tracts, common animal areas may be established, provided that the total number shall not exceed one (1) animal per acre of designated common animal area.

(Ord. No. 97-03, § 10, 2-25-97)

(d) Lots located [adjacent] to the perimeter of the tract must be designed to be compatible with the abutting zoning district. This may be accomplished by providing lot widths equal to the minimum requirements of the conventional zoning, or the provision of an adequate buffer between a clustered unit and the property boundary. Consideration will be given to rights-of-way which separate property boundaries.

(Ord. No. 97-03, § 10, 2-25-97)

(e) Off-street parking shall be provided in accordance with article XI of this chapter.

(Ord. No. 97-03, § 10, 2-25-97)

(P & Z Res., art. XXXVI, § 9)

Secs. 38-560—38-575. Reserved.

Appendix H

*Excerpt of the Town of Hillsdale
Proposed Rural Settlement Guidelines*

PROPOSED RURAL SITING GUIDELINES

EXCERPT

TOWN OF HILLSDALE

COLUMBIA COUNTY, NEW YORK

September 1992

prepared by:

ANNE TATE, ARCHITECT

CHESTER E. CHELLMAN, PE, WHITE MOUNTAIN SURVEY CO.

JOEL S. RUSSELL, WOODLEA ASSOCIATES

*This document was prepared with financial
assistance from the J. M. Kaplan Fund.*

INTRODUCTION TO HILLSDALE RURAL SITING GUIDELINES

The purpose of these guidelines is to illustrate how sections of the zoning text apply to specific sites in the RU District. The first section of the guidelines contains general siting principles designed to help landowners and reviewing boards plan projects that fit into Hillsdale's rural countryside. The illustrations that follow apply the zoning text to specific parcels to show the range of choices and flexibility provided to landowners in using and developing their land. The proposed zoning encourages types of development that have traditionally been recognized as defining "rural character" (but which are illegal under most modern zoning codes), while discouraging suburban development patterns.

These guidelines show how the development patterns permitted in the zoning lay out on the land, providing a guide for interpreting the zoning law. The illustrations show four typical land parcels, containing 17, 60, 200, and 8 acres, respectively. For each parcel, various options for development are shown, along with examples of development that would not be permitted. These examples are intended as **illustrations only**. The unique topography, vegetation and other natural and man-made features of each parcel should guide the planning process for that site. The relationship of each parcel to its surroundings should also be considered. Also, most of these illustrations show **maximum development** of a particular site. It is unlikely that the market in Hillsdale would sustain maximum build-out for most parcels in the foreseeable future.

The two basic types of development illustrated include flexible lot subdivisions at a 3-acre maximum density, where individual lots may be of any size and 80% of the land is preserved as open space, and large lots (10-acre minimum), where up to 40% of the land may be preserved as open space. The flexible approach (3-acre maximum density) is preferred, because it protects open space more effectively and gives landowners more options. It also allows lot sizes to be much smaller than three acres. Because there is a great variety of options available for flexible development, only a few of the many possible approaches can be shown.

The goal of the zoning law and these guidelines is to maintain the traditional settlement pattern of the rural countryside while allowing compatible growth. Where development occurs in concentrations significantly greater than currently exist in the countryside, that development should follow the traditional patterns of a rural hamlet. These patterns are described in the guidelines for hamlet development.

Development that is well-screened from view need not follow any particular architectural guidelines. However, the Hamlet Building and Site Planning Guidelines should be taken into consideration for buildings that are visible from existing or new town "through" roads and for clusters of development of more than five or six units. These building and site planning guidelines are not mandatory in the RU district, except for commercial and multi-family development. All landowners are encouraged to follow them if Hillsdale is to retain its rural and historic character as it grows. These guidelines can be used as a basis for relief from specific dimensional requirements of the zoning law, subdivision regulations, and road specifications.

GENERAL RURAL SITING PRINCIPLES

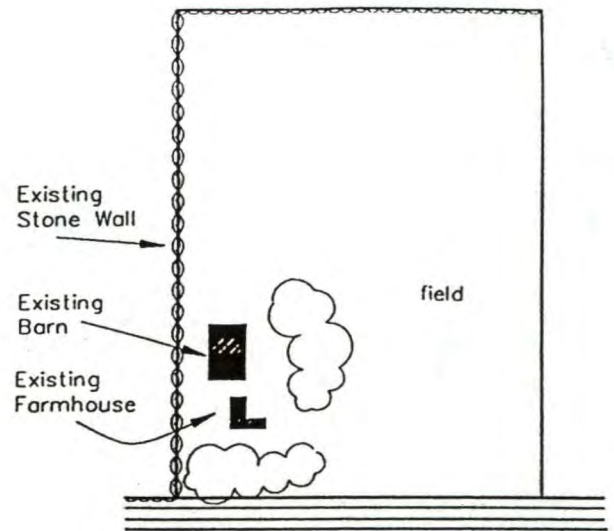
In the Rural District (RU), the following guidelines should be observed for subdivisions and the siting of residences, businesses and accessory structures.

1. Wherever feasible retain and reuse existing old farm roads and country lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
2. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
3. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in cleared areas next to the fields. Septic systems and leach fields may be located in fields, however.
4. Unless buildings are designed traditionally and located close to the road in the manner historically found in the town, use existing vegetation and topography to buffer and screen them.
5. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
6. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and lower branches of large trees, rather than by clearing large areas or removing mature trees.
7. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g. walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas. Use best management practices for erosion and sedimentation control, as recommended by the Columbia County Soil and Water Conservation District or other natural resource agencies.

17-ACRE PARCEL

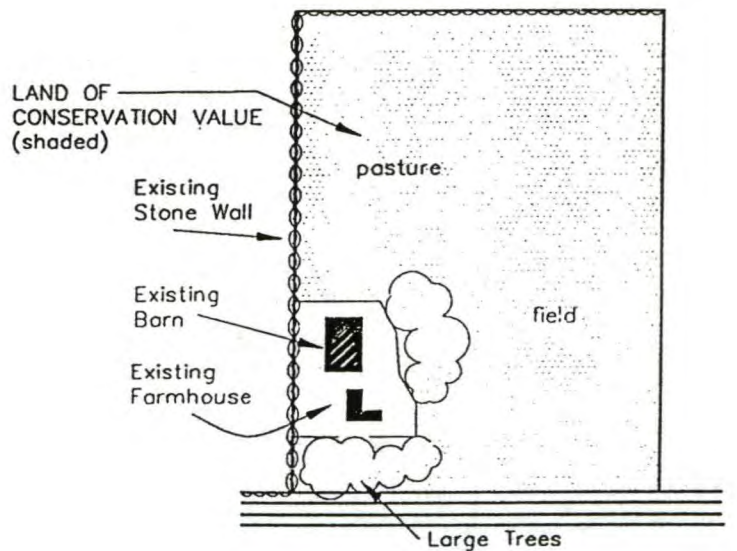
Existing Parcel

This 17-acre parcel consists of agricultural land with a farm house and barn nestled behind large trees in the southwest corner.



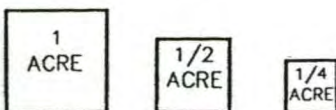
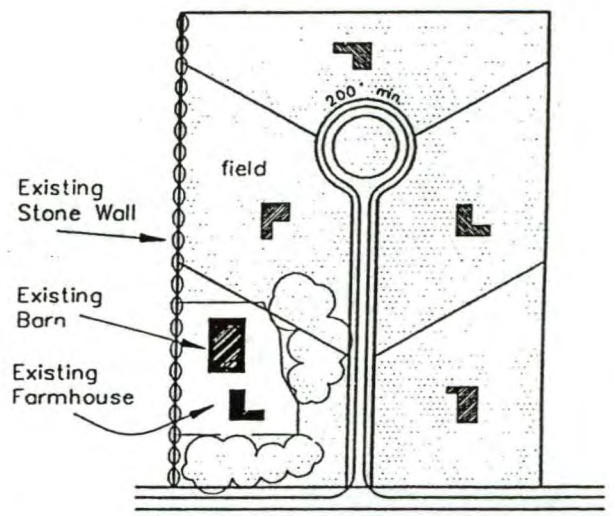
Conservation Analysis

Applying the criteria in Section 4.5-2, Conservation Value of Open Space, the field, pasture, and large trees are land of "conservation value" that is worthy of preservation, especially the areas that are most visible from the road. This area is shaded on the map.

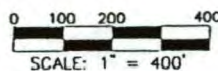


Conventional 3-Acre Subdivision Plan for Lot Count

In order to determine the number of lots that can be built in a Flexible Lot Subdivision, it is necessary to lay out a conventional subdivision with 3-acre lots and a minimum of 200 feet of road frontage. This example shows that it is possible to create five such lots. The plan shown cannot be approved, however, since it would develop most of the open space of conservation value. In a Flexible Lot Subdivision, up to five lots would be permitted as long as 80% of the land is preserved as open space. (This type of conventional plan is the only way the property can be developed at maximum density under the current Hillsdale Zoning.)










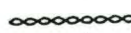




Lot Size Reference



ILLUSTRATED RURAL SITING GUIDELINES

The symbols below are used in the illustrations that follow.

LEGEND

	LAND OF CONSERVATION VALUE
	LAND PROTECTED BY CONSERVATION EASEMENT
	STREAM CORRIDOR
	WETLAND
	PARKS/GREENS
	BUILDINGS
	CONTOUR LINES
	STONE WALL
	TREE LINE
	TRAIL
	SHARED DRIVEWAY
	PLANTED BUFFER

17-ACRE PARCEL

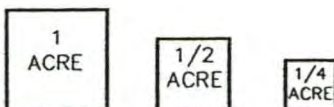
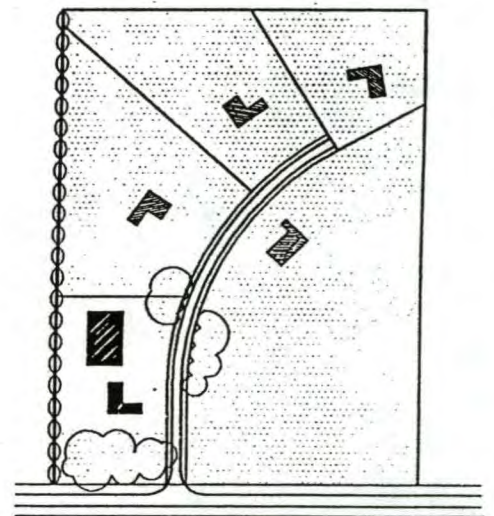
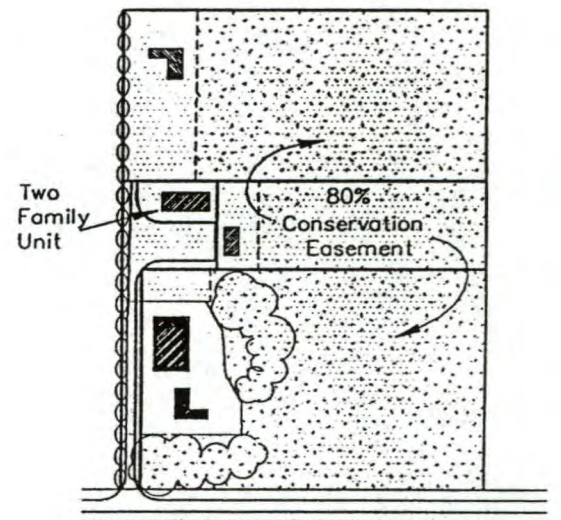
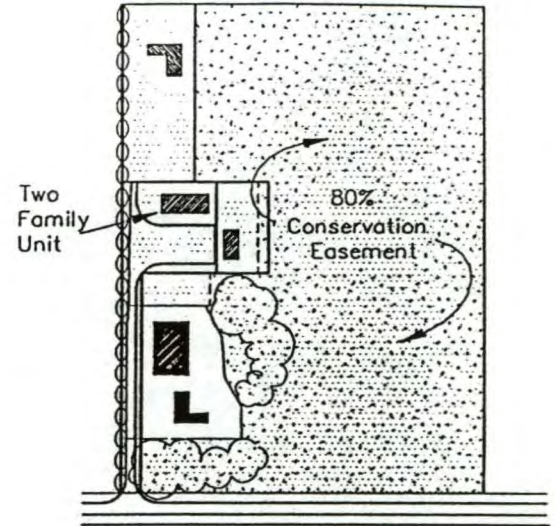
Flexible Lot Subdivision Options

The five units allowed may be in lots of any size as long as 80% of the land is preserved as open space and the lots comply with the dimensional standards in Section 4.10 and health department regulations for water and sewage disposal. In the two illustrations, 80% of the parcel is preserved as open space by conservation easement, with two different lot configurations shown. In the first example, all of the preserved open space remains with the farmhouse and barn, with two small lots containing single family homes and one lot that has a two-family residence. These houses are sited to minimize their impact on the view from the road.

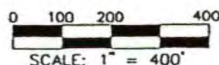
The second layout shows the same houses in the same places, but the open space is split among three different lots. This approach is appropriate where the land is wooded or where fields are divided by hedgerows or natural boundary lines. Breaking up a large open field with lot lines is usually not recommended unless the conservation easement contains land management guidelines for the field. The variety of lot sizes shown provides market flexibility and the clustering of houses offers the opportunity to create a neighborhood feeling. Other layouts that preserve open space of conservation value would also be acceptable.

Unacceptable Flexible Lot Subdivision

This Flexible Lot Subdivision does not preserve the open space of conservation value. The siting of the houses destroys the field as an agricultural and scenic resource.



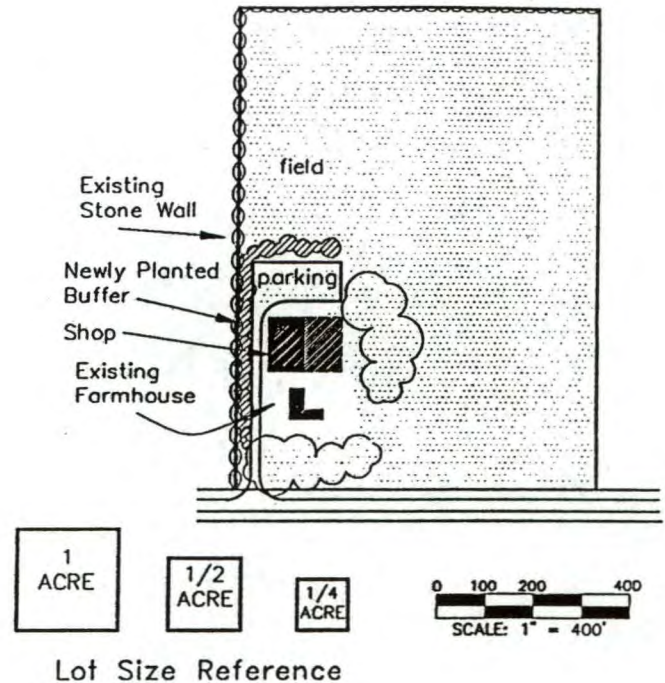
Lot Size Reference



17-ACRE PARCEL

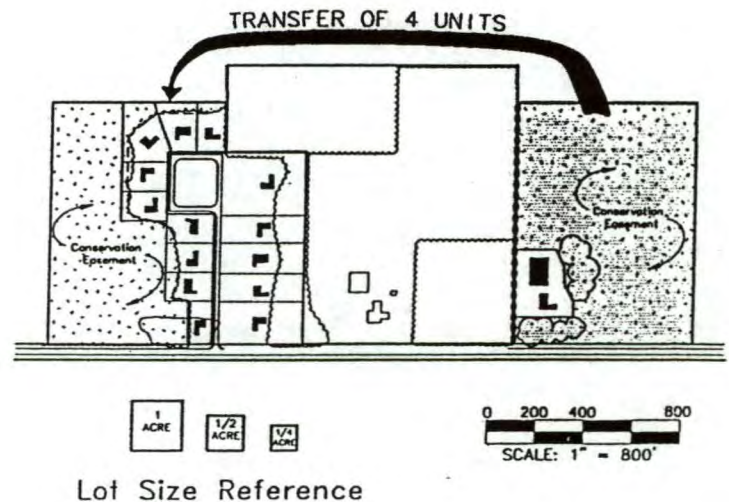
Mixed Uses

Another appropriate use of a 17-acre property might be as a site for a small business, which is allowed by special permit. In this example the barn has been expanded and converted into a small machine shop employing six people. It is screened from the road by the farmhouse and trees. The neighboring property is protected by a planted buffer and by conditions in the special permit limiting the hours of operation and requiring sound-proofing. The farmhouse can still be a residence and the farmland can be used by the owner or leased to another farmer. Additional house lots can be added later as shown in the previous examples. As an alternative, the barn could be converted to rental apartments, also by special permit. These small-scale commercial uses of under-utilized agricultural buildings that have no close neighbors can generate enough extra income to enable a farmer to keep his land open and productive.



Transfer of Development Rights

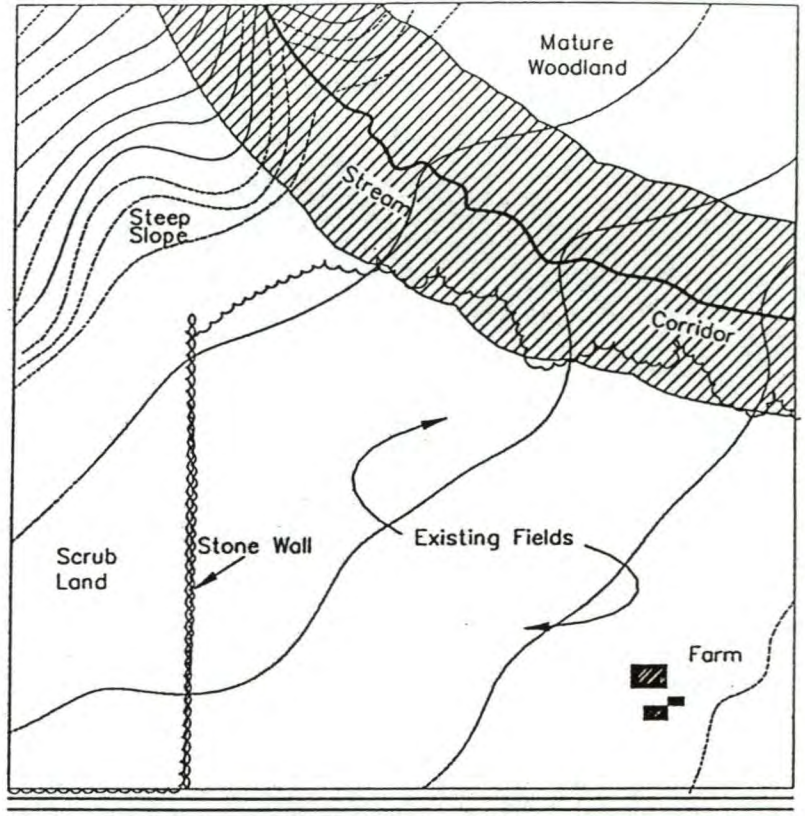
In this scenario, a farmer with a valuable working field transfers four of his development rights to a nearby woodland property. This enables the neighbor to create a small hamlet of nine houses around a green. These development rights may be transferred to any suitable property in town by special permit. The land from which the rights were transferred must be restricted by conservation easement to prevent future residential development.



60-ACRE PARCEL

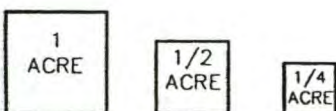
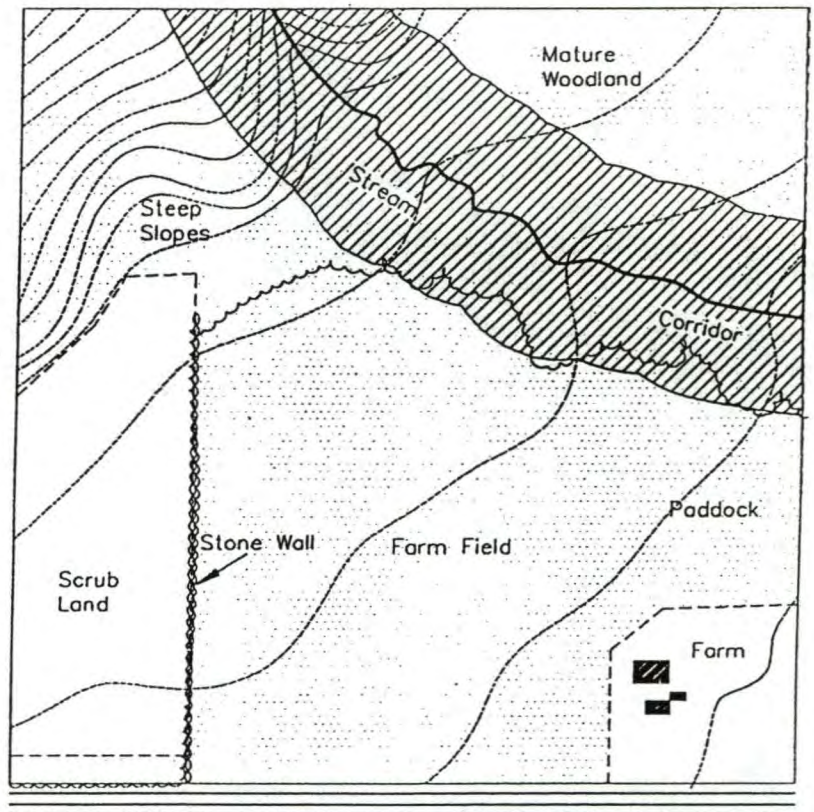
Existing Parcel

This tract includes recently logged young woodlands (scrub land), agricultural fields, forested steep slopes and a stream corridor, as well as an existing farmstead.

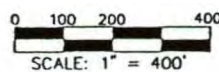


Conservation Analysis

Land of conservation value includes the steep slope area, the stream corridor and mature woodlands beyond the stream, and the agricultural land. In addition, the land along the road has scenic value. These areas are shaded on the map. The scrub land and the disturbed land around the farmstead do not have significant conservation value.



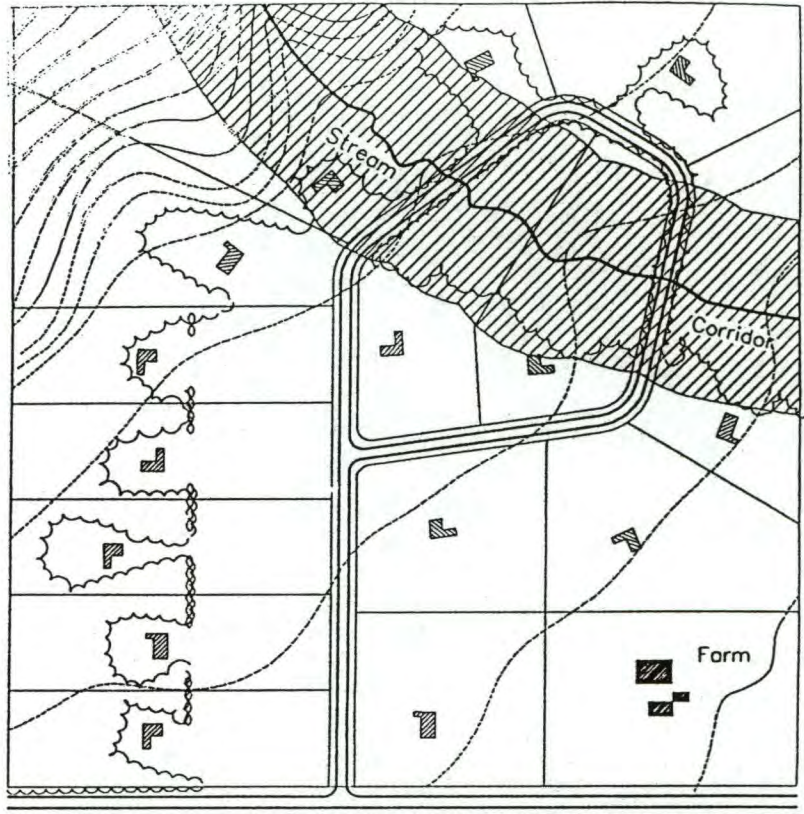
Lot Size Reference



60-ACRE PARCEL

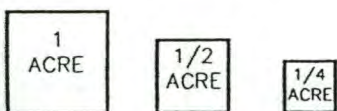
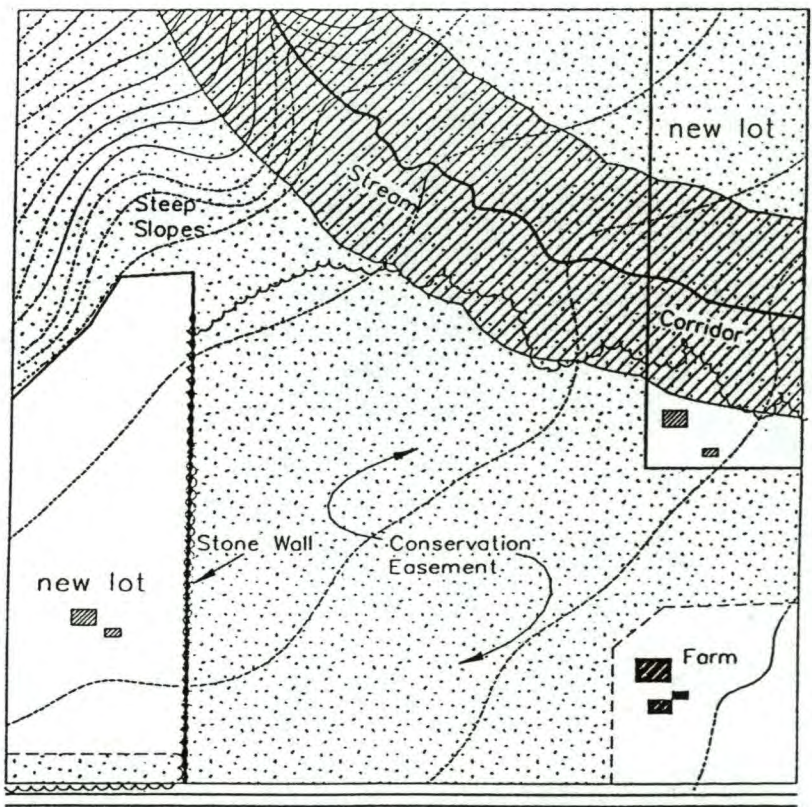
Conventional 3-Acre Subdivision Plan for Lot Count

In order to determine the number of lots that can be built in a Flexible Lot Subdivision, it is necessary to lay out a conventional subdivision with 3-acre lots and a minimum of 200 feet of road frontage. This example shows that it is possible to create 16 such lots. The plan shown cannot be approved, however, since it would develop most of the open space of conservation value. In a Flexible Lot Subdivision, up to 16 lots would be permitted as long as 80% of the land is preserved as open space. (This type of conventional plan is the only way the property can be developed at maximum density under the current Hillsdale Zoning.)

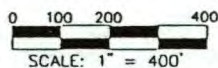


Flexible Lot Subdivision, 3 Units

When the number of lots is less than one half the probable number of lots that would result from a conventional plan, the Planning Board may waive the requirement of a conventional subdivision plan to prove the lot count. In this plan, two large lots of less than 10 acres are carved out of the farmland in a manner which leaves the farm intact. Each lot may be further subdivided as long as 80% of the 60-acre parcel remains preserved as open space by a conservation easement. The lot in the rear has no road frontage, but gains access from a deeded right of way.



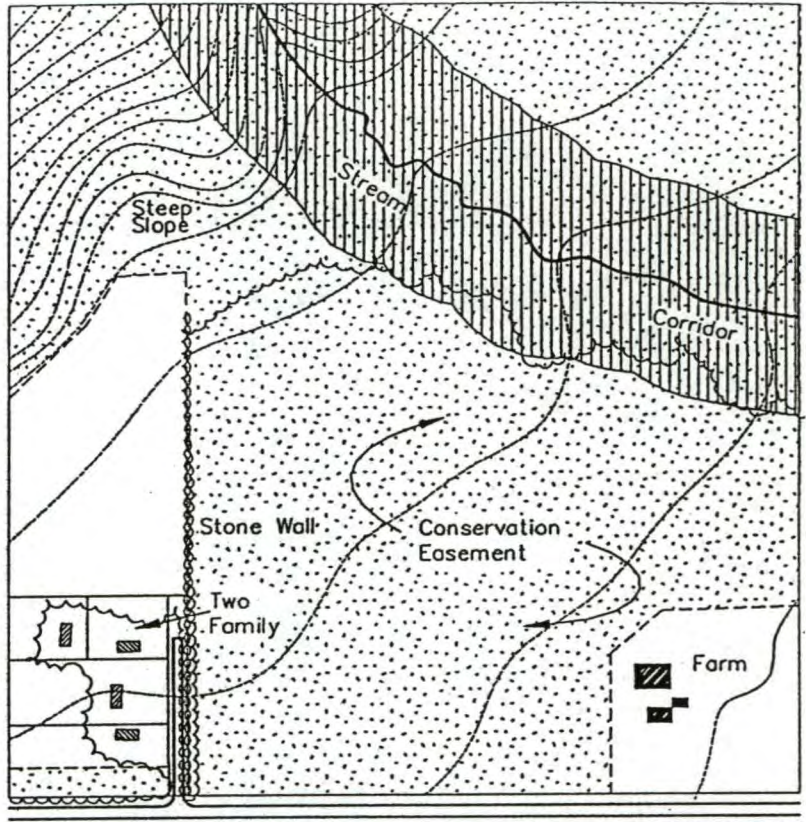
Lot Size Reference



60-ACRE PARCEL

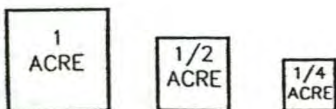
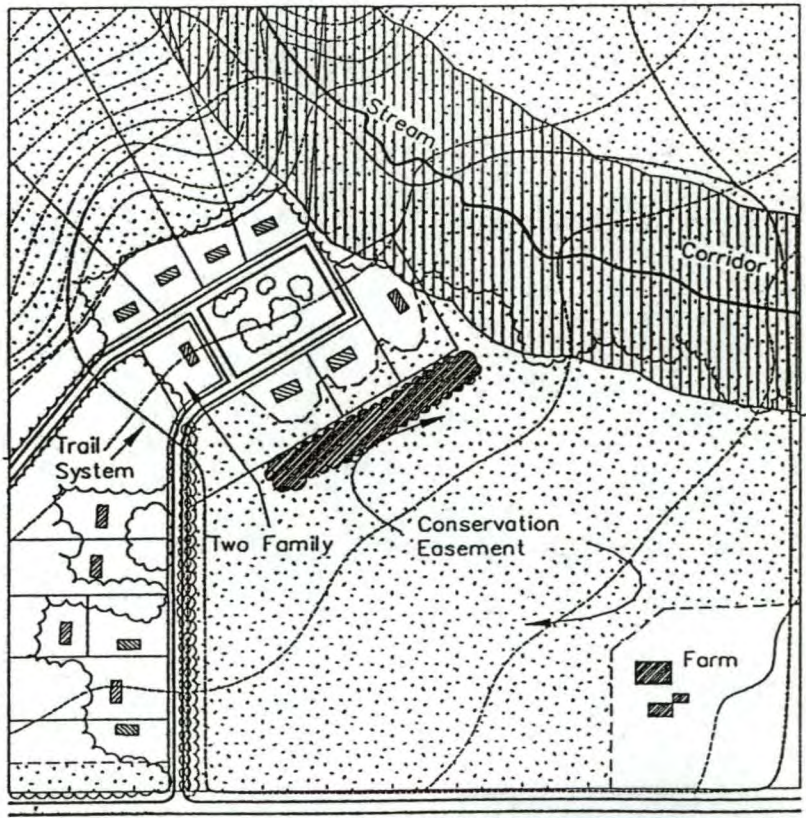
Flexible Lot Subdivision, 6 Units

The cluster of houses in this example is similar to rural farm complexes. The conservation easement creates a scenic amenity for all the homeowners, while the farmland continues to be owned and worked by the farmer. Careful siting takes advantage of the existing stone wall and tree row and allows for further development of the property later. Since the number of lots here is less than one half of the probable number that would result from a conventional subdivision plan, no conventional plan is required to prove the lot count. 80% of the site is protected by conservation easements. The conservation easement area does not include land that is within the private yards of the houses. Protected land includes the stream corridor, a hillside visible from the road, and a farm field which continues to be owned and worked by the farmer.

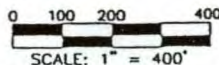


Flexible Lot Subdivision, 16 Units

This example shows an expansion of the previous plan up to the maximum of sixteen units. A trail system for use by lot residents has been added. The houses line the new road and some are clustered around a green. Sheltered by the woods, houses can have privacy by keeping yards small and leaving wooded buffers between them. The new road follows the existing tree row and stone wall and can connect to the adjacent property for future development. A band of woods, consisting of small native trees transplanted from the scrub area as well as vegetation that has filled in naturally, buffers the view of the houses from the road. Many variations on this configuration are possible, including some large lots such as the ones in the 3-lot example, or the addition of apartments around the farmstead. Such configurations would be allowed as long as 80% of the parcel is preserved and the total unit count does not exceed 16. Small lot clusters should follow the hamlet siting guidelines.



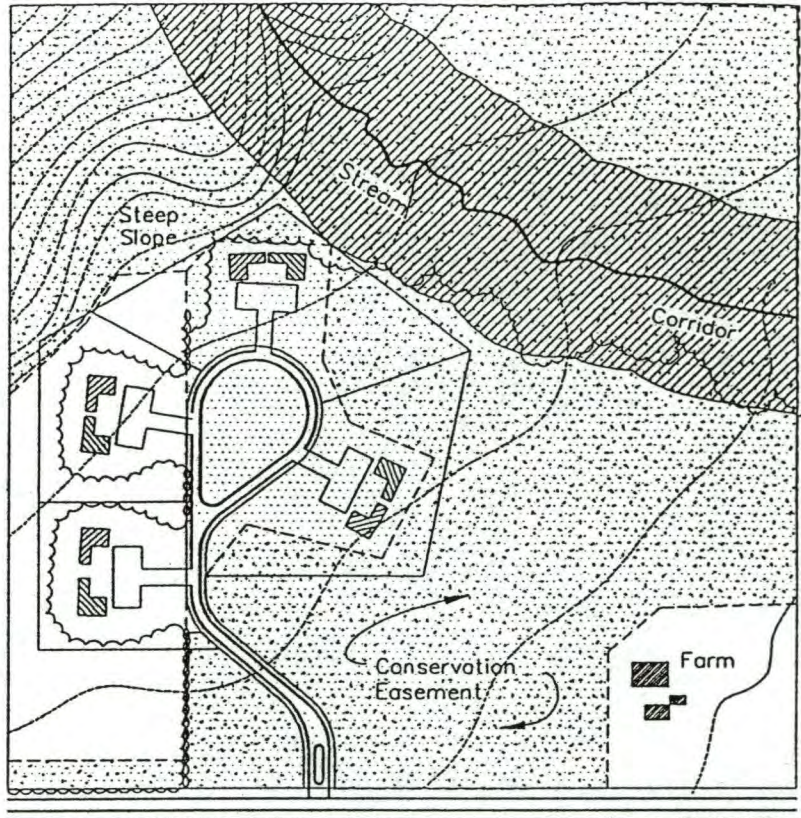
Lot Size Reference



60-ACRE PARCEL

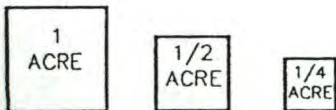
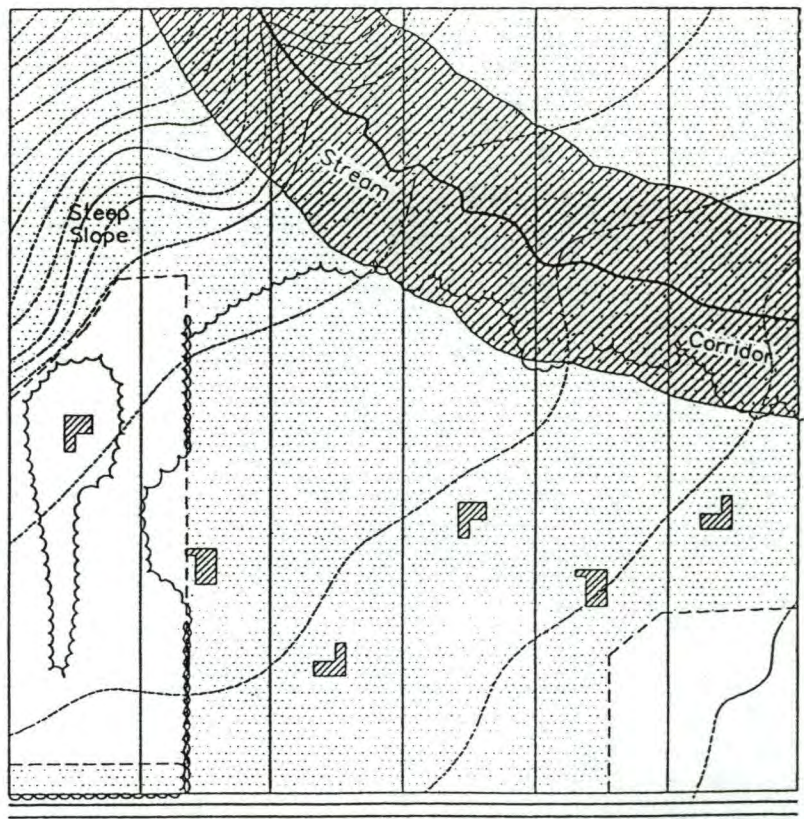
Unacceptable Flexible Lot Plan for 16 Units

Not every plan which preserves 80% of the land as open space will be acceptable. Although 80% of the land is preserved by a conservation easement, these condominiums do not protect the most important open space of conservation value. The field has been crossed by a wide access road and the view has been marred by buildings that do not fit into their setting. High density housing clustered around parking lots violates the hamlet siting guidelines and is incompatible with both traditional hamlets and the countryside. This layout creates neither usable community space nor private outdoor space for residents.

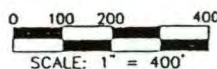


Conventional Development: 10-Acre Lots

This pattern of 10-acre lots is allowed but not encouraged because it cuts up the fields and damages the view from the road. The Planning Board may require that land mapped as part of a preservation overlay zone (up to 40% of the lot) be set aside by conservation easement as open space (4.2-2). In this case, the stream corridor is the only part of the parcel that has been formally mapped as part of an overlay zone. For wooded properties on remote roads, this pattern of development may be appropriate.



Lot Size Reference



Appendix I

Urban Service Area Amendments

Urban Service Area (USA) Expansions*

Adopted USA Expansion Amendments				
Amendment Cycle	Gross Acreage	Net Acreage	Amendment Name and Number	District Number
1992 Cycle	70.00	70.00	Chatham Village (II.A.2)	1
	11.00	11.00	Davis PD (II.A.3)	
1992 Total	81.00	81.00		
1993 Cycle	1859.00	1582.00	Avalon Park DRI (93D1)	4
	1143.00	745.00	Les Springs (II.A.4.7)	4
	21.68	20.90	Ruby Lake (II.E.1)	1
1993 Totals	3023.68	2347.90		
1994 First Cycle	282.90	160.14	Orange Lake Growth Center (94A-1-7)	1
	246.10	198.00	Four Corners (94B-1-3)	1
	2952.00	750.00	Grand Cypress (94B-1-1)	1
	50.00	50.00	Sunflower Trail (94A-4-4)	4
1994-1 Total	3531.00	1158.14		
1994 Second Cycle	NOT APPLICABLE			
1995 First Cycle	392.60	380.40	North Four Corners (95-1-A-1-3,4, & 5)	1
	485.90	273.60	Bonnet Creek (95-1-B-1-2)	1
	278.40	154.10	Wetherbee Road (95-1-A-4-1)	4
1995-1 Total	1156.90	808.10		
1995 DRI	285.00	175.00	Campus Crusade for Christ	4
1995 Second Cycle	NOT APPLICABLE			
1996 First Cycle	209.00	198.00	Sole (96-1-A-1-6)	1
	2.04	1.70	Kantor (96-1-A-2-1)	2
	600.00	570.00	Eidson Trust (96-1-A-4-1)	4
	400.00	298.11	Spring Lake (96-1-A-4-2)	4
	455.68	366.00	Belmere (FLU Policy 2.2.7)	1
1996-1 Total	1666.72	1433.81		
1996 Second Cycle	968.00	918.30	Tiedtke (96-2-A-2-1)	2
1997 First Cycle	5194.00	2091.90	Horizon West/Lakeside Village**	1
1997 Second Cycle	73.21	73.21	Gallimore (97-2-A-1-1)	1
1998 First Cycle	NOT APPLICABLE			
1998 Second Cycle	NOT APPLICABLE			
1999 First Cycle	79.83	79.83	Gallimore (99-1-A-1-1)	1
	436.76	361.86	Willard (99-1-A-4-1)	4
	44.90	43.00	Seybold (99-1-A-5-1)	5
	23.71	6.76	Shannin (99-1-A-1-5)	1
	4022.40	1398.30	Horizon West/Bridgewater**	1
1999-1 Total	4607.60	1889.75		
1999 Second Cycle	13.00	13.00	Whidden (99-2-A-4-1)	4
	116.45	116.45	Waterford Chase East (99-2-A-4-1)	4
1999-2 Total	129.46	129.46		
Total USA Acreage Amended				
	20716.56	11106.57		
Available USA Acreage				
14801	N/A	3564.97		

*Vacant and Developable Acreages only and includes USA exceptions (e.g., Horizon West, Belmere, Campus Crusade) and Growth Center changes. Total does not include 959.38 acres for the Lake Hart DRI found not in compliance.

**Pursuant to F.L.U.E Policies 6.1.3 and 6.1.6, net developable acreage of Specific Area Plans for Urban Service Area calculations refers to gross land area less conservation areas, natural water bodies, designated greenbelt, public open space and institutional uses.

Note: Little Lake Bryan DRI (201 ac.), #94-2-A-1-1 (3 ac.), and #95-1-A-1-8 (6.2 ac.) are not included since these developments were accounted for in the Reedy Creek Improvement District (RCID) Comprehensive Plan.

Appendix J

Wekiva River Protection Act

TITLE XXVIII
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE

CHAPTER 369
CONSERVATION

PART I
AQUATIC PLANT CONTROL (ss. 369.20-369.255)

PART II
WEKIVA RIVER PROTECTION (ss. 369.301-369.313)

PART II
WEKIVA RIVER PROTECTION

369.301 Short title.

369.303 Definitions.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.

369.309 Airboats prohibited; exceptions; penalties.

369.311 Policy.

369.313 Pilot project design and implementation; restoration and protection activities; intergovernmental coordination.

369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

History.--s. 1, ch. 88-121; s. 26, ch. 88-393.

369.303 Definitions.--As used in this part:

- (1) "Council" means the East Central Florida Regional Planning Council.
- (2) "Counties" means Orange, Seminole, and Lake Counties.
- (3) "Department" means the Department of Community Affairs.

- (4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
- (5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(23) and any of the types of regulations described in s. 163.3202.
- (6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
- (7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.
- (8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.
- (9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.
- (10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 46, ch. 91-221; s. 4, ch. 93-206.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

(1) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and chapter 9J-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;
2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. Habitat within the Wekiva River Protection Area of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; and
5. Native vegetation within the Wekiva River Protection Area.

(b) The various land uses and densities and intensities of development permitted by the local comprehensive plan shall protect the resources enumerated in paragraph (a) and the rural character of the Wekiva River Protection Area. The plan shall also include:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.
2. Restrictions on the clearing of native vegetation within the 100-year flood plain.
3. Prohibition of development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development.
4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.
5. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.
6. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.
7. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential development in the aggregate shall be of a rural density and character.

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property adjacent to the Wekiva River System be

concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System.

(d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy established in paragraph (c) of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d) and shall also include restrictions on the location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and chapter 9J-12, Florida Administrative Code, any local comprehensive plan

amendment or amendment to a land development regulation, adopted or issued by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit adopted by a county, solely within protection zones established pursuant to s. 373.415, shall be sent to the department within 10 days after its adoption or issuance by the local governing body but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the amendment or development permit solely within protection zones established pursuant to s. 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1) through (4) or to any development order approving, approving with conditions, or denying a development of regional impact.

(6) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area for compliance with the provisions of subsection (1) in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(7) The department may adopt reasonable rules and orders to implement the provisions of this section.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 95-146.

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its strategic regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva

River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 89-116; s. 191, ch. 94-356; s. 10, ch. 95-149.

369.309 Airboats prohibited; exceptions; penalties.--

(1) The operation of an airboat on the Wekiva River System shall be prohibited. For the purposes of this section, an airboat is any boat, sled, skiff, or swamp vessel that is pushed, pulled, or propelled by air power generated by a nondetachable motor of more than 10 horsepower.

(2) The provisions of this section shall not apply in the case of an emergency or to any employee of a municipal, county, state, or federal agency or their agents on official government business.

(3) Persons convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 90-81.

1369.311 Policy.--The Legislature reaffirms the policy of the state as set forth in this part, with regard to the protection of the Wekiva River System, including, but not limited to, its tributaries. The Little Wekiva River, as a major tributary of the Wekiva River, plays an important role with regard to the protection and water quality of the Wekiva River. Accordingly, it is appropriate to take timely and prudent actions to protect, preserve, and restore the water quality and environmental integrity of the Little Wekiva River.

History.--ss. 1, 4, ch. 95-315.

1Note.--Repealed effective July 1, 1999, by s. 4, ch. 95-315, unless reenacted by the Legislature prior to that date.