

WEKIVA RIVER AREA CONSISTENCY FORM
Seminole County Planning and Development Division
July 2024

In 1988 the Florida Legislature enacted the Wekiva River Protection Act [(Protection Act) Chapter 369.301, Part II, Florida Statutes (FS)] establishing the Wekiva River Protection Area (Protection Area). The Protection Act requires that rural character be maintained in the aggregate and that the viability, conservation, and preservation of natural resources be considered for the Protection Area as a whole. In 2004, the Florida Legislature enacted the Wekiva Parkway and Protection Act [(Parkway Act) Chapter 369.314, Part III, Florida Statutes] authorizing construction of the Wekiva Parkway, along with comprehensive plan strategies, various studies, and plans. The Protection Act and Parkway Act Boundaries are depicted on the attached Seminole County Comprehensive Plan (SCCP) Future Land Use Map.

The final development form of the land area within the Protection Area outside of the East Lake Sylvan Transitional Area is a general pattern of one dwelling unit or less per net buildable acre. For properties located within the Protection Area, but outside the East Lake Sylvan Transitional Area, the assigned future land use designations are presumed to be the final land use designation for those properties as of December 15, 1999. The land use designations assigned to those properties shall not be amended, except to reassign a land use designation to Suburban Estates or Recreation, with Recreation designation only considered for the purpose of protecting natural resources (SCCP Policy FLU 2.3.3).

The County shall not approve a land use designation amendment within the Protection Area relating to property outside of the East Lake Sylvan Transitional Area that could result in a net density increase compared to that allowable as of December 15, 1999. Regardless of any future change in the definition of the Suburban Estates land use designation or associated zoning classifications, the County shall not approve any land use that could result in a density increase above one dwelling unit per net buildable acre compared to that allowable as of December 15, 1999. The County's policy is to maintain this final form of development to ensure that residential development in the Protection Area maintains the overall rural density and character (SCCP Policy FLU 2.3.3).

Amendments to the Wekiva River Protection Act to change nonresidential, land use designations (e.g., Office, Commercial) to the Suburban Estates or Recreation land use shall not be discouraged. The properties designated as a nonresidential land use (thereby authorized for development) shall be limited to only those properties assigned the nonresidential land use designation as of December 15, 1999. (SCCP Policy FLU 2.3.3).

Applicant Name: _____

Address: _____

Telephone Number: _____

Project Name: _____

Activity Type (circle comprehensive plan amendment, rezoning, zoning permit, site plan, subdivision plan approval, variance, special exception, or other official action permitting the development of land).

Property Appraiser's Parcel ID Number: _____

INSTRUCTIONS

- Applicants are encouraged to be familiar with the Seminole County Comprehensive Plan (SCCP), Land Development Code of Seminole County (LDCSC), and Florida Statutes (FS) for a comprehensive review of Seminole County and state of Florida's commitment to the Wekiva River Area prior to filing an application for development approval.
- Prior to submittal of an application for development approval within the Protection Area, Applicants must review the Wekiva River Fach Sheet below to determine if the proposed development activity is allowed within the Protection Area.
- Please download this form and respond thoroughly in typed format to each of the questions below, along with a location map and return to the Seminole County Planning and Development Division Office with your application. This information will assist staff in determining if the proposed activity is consistent with the provisions of the Protection Act, Parkway Act, SCCP, LDCSC, and FS). Answers should be detailed and apply and articulate sound and generally accepted planning practices and principles.

Wekiva River Protection Act, Chapter 369, Part II, Florida Statutes

A. Describe how the proposed Activity Type will protect each of the following:

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.

B. Describe how the proposed Activity Type will be consistent with the following provisions:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting as to maintain viable populations or species designated pursuant to Rule 68A, 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code within the Wekiva River Protection Area.
2. Restrictions on clearing of native vegetation within the 100-year flood plain.
3. Prohibition of development that is not low-density in nature, unless that development has less effect 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 Section 373.415, Florida Statutes.
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 if it promotes protection of environmentally sensitive areas and ensures that residential development in the aggregate is rural in density and character.
8. The density or intensity of development permitted on parcels of property adjacent to the Wekiva River System is not concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System.
9. Parcels of land adjacent to the surface waters and watercourses of the Wekiva River System are not 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.

10. Provisions of the Land Development Code of Seminole County regarding restrictions on the location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.
11. Seminole County shall have flexibility to achieve this objective through comprehensive plan strategies that may include, but are not limited to:
 - (a) Coordinated greenway plans; and
 - (b) Dedication of conservation easements; and
 - (c) Land acquisition; and
 - (d) Clustering of development; and
 - (e) Density credits and density incentives which result in permanent protection of open space; and
 - (f) Low to very low density development (Section 369.321(3), FS Comprehensive Plan Amendments).
12. Subsection 163.3162(3)(i)2, FS, does not limit a county's powers to:
 1. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules adopted before July 1, 2003.
 2. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules pertaining to the Wekiva River Protection Area.
 3. Enforce ordinances, regulations, or rules as directed by law or implemented consistent with the requirements of a program operated under a delegation agreement from a state agency or water management district.
13. Nothing within Subsection 163.3162(4)(d)1, FS relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the Wekiva Study Area, as described in Section 369.316, FS.

Seminole County Comprehensive Plan

Wekiva River Area Rural Character

Within the Wekiva River Protection Area, the term "rural character" means those characteristics which convey a sense of rural lifestyle including agricultural uses, limited residential density at one unit per net buildable acre or less, large lots, ample views of wooded areas and open space, preservation of greenway and wildlife corridors, narrow pavement widths, rural roadway corridors, public and private roads predominantly no more than two lanes in width, development of commercial land uses set forth on the Future Land Use Map in effect on December 15, 1999, and a preference for rural vernacular architecture. Such characteristics preclude any further commercial development on lands not designated for commercial land uses on the Future Land Use Map in effect on December 15, 1999.

For the purpose of ensuring consistency with the Wekiva River Protection Act, rural character within the Wekiva River Protection Area within Seminole County is maintained through a pattern of land use designations consisting of predominantly Suburban Estates, Conservation, and Recreation (for the purpose of protecting natural resources). It is the express intent of this definition to ensure that, within the Wekiva River Protection Area but outside of the East Lake Sylvan Transitional Area, each development order approved by the County limits the density of the residential development subject to that development order to (a) the current adopted density of the subject development existing at the time of the enactment of this definition or (b) a density no greater than one dwelling unit per net buildable acre (SCCP Introduction Element).

The County shall continue to enforce and, if necessary, strengthen existing Plan objectives, goals and policies and land development regulations to preserve and reinforce the goals of the Wekiva River Protection Act (Chapter 369, Part II, Florida Statutes). These objectives, goals, policies, and land development regulations shall ensure the maintenance of the rural density and character in the aggregate, protect natural resources, and ensure the long term viability of the Wekiva River Protection Area, herein referred to as the "Protection Area," (as defined in Wekiva Study Area Series) for existing and future residents SCCP Objective FLU 2.3 Preservation of Natural Resources and the Rural Character of the Wekiva River Protection Area).

In order to be eligible for residential density increase within the East Lake Sylvan Transitional Area, as depicted in Exhibit FLU: East Lake Sylvan Transitional Area/School Site, an applicant for a Plan amendment proposing a residential density greater than one unit per net buildable acre must comply with each of the following standards:

- A. The maximum allowable residential density upon parcels shall not exceed 2.5 dwelling units per net buildable acre.
- B. Plan amendments shall be to the Planned Development Future Land Use Designation with an associated PD (Planned Development) zoning district. Residential development shall employ clustering techniques to comply with Policy 12.2 by creating less impact on natural resources than one unit per net buildable acre in a non-clustered configuration and by demonstrating a maximum impervious area of 30% per residential lot.
- C. Applications for development shall include specific information to document how the proposed development will comply with Paragraph B above. A methodology for creating the required documentation will be included in the Comprehensive Plan amendments implementing the 2022 Evaluation and Appraisal Report. This information may include, but is not limited to, the following:
 - 1. Length of paved roads and utility lines needed to serve the development.
 - 2. Acreage set aside from development through designation as open space and/or conservation easements.
 - 3. Preservation of native vegetation, wildlife habitat, and aquifer recharge areas.
 - 4. Innovative design techniques such as low-impact development (LID) and Leadership in Energy and Environmental Design (LEED) certification.
 - 5. Maximum lot coverage ratio of each proposed lot equal to or less than 30%. Mitigating conditions such as pervious pavers to compensate for additional lot coverage may be considered by the Development Review Engineer Supervisor when appropriate.
- D. Prior to approval, the applicant shall be required to submit documentation demonstrating that natural resources are protected, provided a maximum density not to exceed two and one-half dwelling units per net buildable acre.
- E. All conditions necessary for compliance with these standards shall be placed in the subdivision's covenants and restrictions, which covenants and restrictions shall be recorded in the official land records of Seminole County, and which will provide for enforcement of the restrictions by the mandatory homeowners association established to govern the subject property (SCCP Standards for Plan Amendments within the East Lake Sylvan Transitional Area).

F. Other citations from the SCCP and LDCSC for consideration by Applicants proposing developments within the Protection Area include:

- Introduction Element: Mitigation, Wetlands.
- Conservation Element: Policies CON 2.5, 2.7, 2.8, 3.4, 3.7, 3.8, 7.2, 7.4, 7.7, and 7.8.
- Drainage Element: Policy DRG 2.8, 4.5, and 6.3.
- Future Land Use Element:
Objective FLU 2.3.
Policy FLU 2.3.1 through 2.3.14.
Policies FLU 2.1.6, 2.2.2, 2.2.5, 3.1.2, 3.2.2, 5.1.1, and 6.2.4.
Zoning Services and Facilities.
Rural Character, Special Act Area, and Data and Analysis
Tertiary Methods of Directing Incompatible Uses Away from Wetlands.
Future Land Use Map.
Special Areas.
Unique Planning Techniques.
- Implementation Element
Policy IMP 2.5.
Comprehensive Plan Updates and Amendment Adoption Processes.
- Potable Water Element
Policy POT 5.1.
- Public School Facilities
Policy PSF 6.1.
- Recreation and Open Space
Policy REC 7.2, and 7.3.
- Transportation Element
Policies TRA 2.1.4, and 3.4.23.

Land Development Code of Seminole County

- Sec 30.3.11- Administrative Waiver.
- Sec 30.3.12-Requirements for Administrative Waiver.
- SECTION 2-Wetland Types.
- Section 2.3-Definitions.
- Section 30.10.5-Wekiva River Protection.
- Section 30.10.9-SR46 Scenic Overlay District.
- Section 30.10.10-SR 46 Lighting Standards.

- Section 60.4-Permits Required.
- Section 60.5-Exemptions.

Wekiva River Area Future Land Use Map

Please note that the attached Future Land Use Map is updated from time to time; however, the Wekiva Area Boundaries shall remain. The current Seminole County Future Land Use Map is available in digital form at [Seminole County Future Land Use Map](#).

Additional Information

To access the citations in this application please click on the following links:

[Seminole County Comprehensive Plan and Land Development Code of Seminole County](#).

[Wekiva River Protection Act, Chapter 369.301, Part II, Florida Statutes](#).

[Wekiva Parkway and Protection Act \[\(Parkway Act\) Chapter 369.314, Part III, Florida Statutes](#).

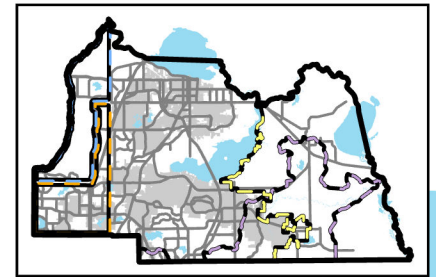
[Wekiva River Area Fact Sheet](#).

[Wekiva Parkway \(SR 429\)](#).







Notes and Citations:

- 1988, the Florida Legislature established the Wekiva River Basin Commission (WRBC) to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The [East Central Florida Planning Council](#) provides aid to the WRBC.
- It is not the intent of the Legislature to place an undue burden on local governments within the Wekiva Study Area. Any required Wekiva Study Area comprehensive plan amendments may be adopted in conjunction with other amendments not required by this part (369.315(4), FS, Intent).
- On October 13, 2000, the U.S. Congress enacted Public Law 106-299, designating the Wekiva River a federally designated Wild and Scenic River.
- In 2000, the U.S. Congress established the Wekiva River System Advisory Management Committee (WRSAMC) to assist in the development of the comprehensive management plan for the Wekiva River system. In partnership with the WRSAMC, the U.S. National Park System provides technical assistance, staff support and funding (contingent on appropriated funds) to assist in development and implementation of the comprehensive river management plan. Please visit the [Wekiva River System Advisory Management Committee](#).
- Please see the Seminole County Comprehensive Plan and Land Development Code of Seminole County for additional policies and exhibits regarding the Wekiva River Area. Periodic updates to the SCCP and LDCSC may result in amendments to these documents.
- Questions regarding this Fact Sheet may be addressed to the Seminole County Planning and Development Division, Room 2028, 1101 East First Street, Sanford, Florida 32771 407-665-7371, or email at plandesk@seminolecountyfl.gov.

















Seminole County Future Land Use Map Wekiva Study Area

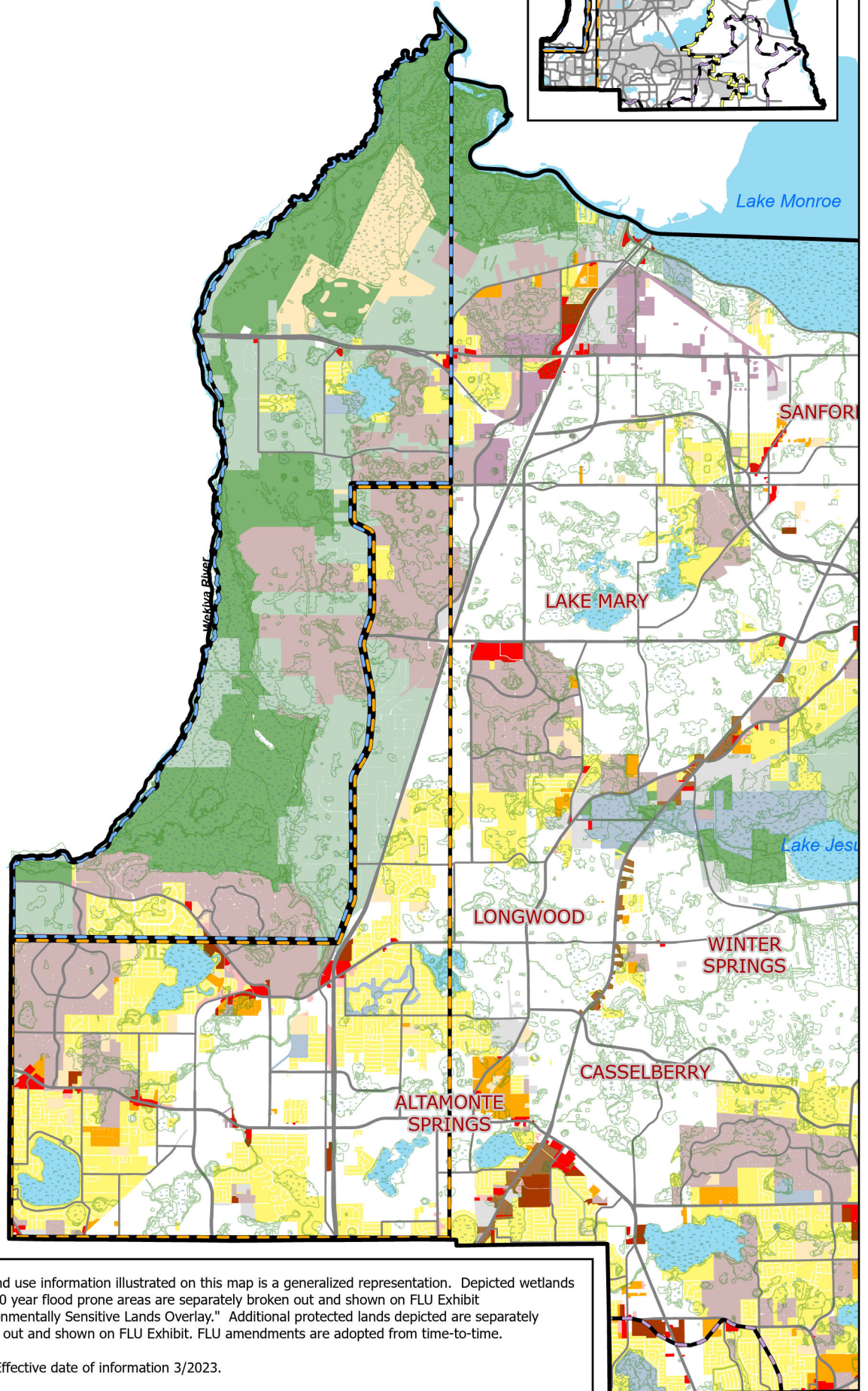


Legend

-  Urban Rural Boundary
-  Wekiva Study Area
-  Wekiva Protection/Study Area
-  Econ Protection Area
-  Water Bodies
-  Environmentally Sensitive Lands Overlay

Future Land Use

-  Preservation/ Managed Lands (Max FAR 0.30)
-  Recreation (Max FAR 0.50)
-  Public/Quasi-Public (Max FAR 0.65)
-  Rural 10 (Max 1 DU / 10 AC)
-  Rural 5 (Max 1 DU / 5 AC)
-  Rural 3 (Max 1 DU / 3 AC)
-  Suburban Estates (Max 1 DU / AC)
-  Low Density Res (Max 4 - 7 DU / AC)
-  Medium Density Res (Max 10 DU / AC)
-  High Density Res (Max 20 DU / AC; See HDR def for bonuses)
-  Mixed Development (Max 30 DU / AC Res; Max FAR 0.80 Nonres; See MXD def for incentives/bonuses)
-  Planned Development (Density Determined by use noted on FLU map)
-  Office (Max FAR 0.35)
-  Commercial (Max FAR 0.35)
-  Industrial (Max FAR 0.65)
-  Higher Intensity PD, Transitional (Max 20 DU / AC, Res; Max FAR 0.35); Higher Intensity PD, Target Industry (20 DU / AC Abutting Res; 50 DU / AC Abutting Other Areas; FAR 0.35 Abutting Res; FAR 1.0 Abutting Other Areas); Higher Intensity PD, Airport (Max 50 DU / AC, Res; Max FAR 1.0)



The land use information illustrated on this map is a generalized representation. Depicted wetlands and 100 year flood prone areas are separately broken out and shown on FLU Exhibit "Environmentally Sensitive Lands Overlay." Additional protected lands depicted are separately broken out and shown on FLU Exhibit. FLU amendments are adopted from time-to-time.

FLU - Effective date of information 3/2023.