

**WEKIVA RIVER AREA CONSISTENCY FORM**  
**Seminole County Planning and Development Division**

In 1988 the Florida Legislature enacted the Wekiva River Protection Act [(Protection Act) Chapter 369, Part II, Section 369.301, Florida Statutes] that established 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 Legislature enacted the Wekiva Parkway and Protection Act [(Parkway Act) Chapter 369, Part III, Section 369.314, Florida Statutes] which authorized 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 Future Land Use Wekiva Study Area Map (see link below). The Wekiva River is a federally designated Wild and Scenic River pursuant to Public Law 106-299, October 13, 2000, United States Congress.

Regardless of the Seminole County Comprehensive Plan Future Land Use designation or Zoning Classification assigned to any parcel of property located within the Protection Area (as defined) no development may be approved upon parcels so located unless it conforms to the provisions applicable to the Protection Act, Parkway Act, Seminole County Comprehensive Plan, and Land Development Code of Seminole County.

Applicant Name:
Address:
Telephone Number:
Project Name:
Activity Type (i.e., 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 ID Number:

**Instructions**

Please thoroughly answer each of the questions below, in letter format, along with a location map and return to the Seminole County Planning and Development Division Office with your associated application. The information will assist staff in determining if the proposed activity is consistent with the provisions of the Wekiva-River Protection Act, Wekiva Parkway and Protection Act, Seminole County Comprehensive Plan, and Land Development Code of Seminole County. Answers should be detailed and apply and articulate sound and generally accepted planning practices and principles.

**PROVISIONS OF THE 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.
2. Clearing of native vegetation within the 100-year flood plain.
3. The rural density and character of the Wekiva River Protection Area.
4. Prohibition of development that is not low-density in nature, unless that development has less impact on natural resources than low-density residential development.
5. 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.
6. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.
7. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.
8. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas.
9. Ensuring that residential development in the aggregate is of a rural density and character.
10. Concentrating development farthest from the surface water and wetlands of the Wekiva River System.
11. Land adjacent to the surface water and watercourses of the Wekiva River System may not be subdivided so as to interfere with the implementation of protection zones as established pursuant to Section 373.415, Florida Statutes, to interfere with any applicable setbacks from surface waters in the Wekiva River System which are established by local governments, or interfere with the policy of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.
12. Location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.
13. Residential Density within the East Lake Sylvan Transitional Area shall employ techniques to comply with Future Land Use Policy 12.2 Recognition of the East Lake Sylvan Transitional Area of the Seminole County Comprehensive Plan by creating less impact on natural resources than one unit per net buildable acre in a non-clustered configuration.
14. Wekiva Character Policy, Future Land Use Element FLU 12.8, Seminole County Comprehensive Plan (SCCP).

## **DEFINITIONS AND REFERENCES**

### **DEFINING 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 and character.

Seminole County has amended its Comprehensive Plan and Land Development Code for the purpose of implementing the requirements of the Wekiva River Protection Act and Wekiva Parkway and Protection Act. Activity Type Applications shall be consistent with the following:

Conservation Element (CON) Policies/Others 1.3, 1.5, 3.4, 3.5, 3.6, 3.7, 3.8, 7.4, and 7.9; Wekiva Parkway and Protection Act, Master Stormwater Management Plan Support; Future Land Use Map; Special Areas; Unique Areas.

Drainage Element (DRG) Policies 2.8, and 6.3.

Future Land Use Element (FLU) Policies/Others 1.1, 1.2, 1.3, 1.4, 1.7, 1.8, 1.9, 2.9, 8.2, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9, 13.1, 13.2, and 13.3; Data and Analysis.

Implementation Element (IMP) Comprehensive Plan Updates and Amendment Adoption Processes.

Potable Water Element (POT) Policy 5.11.

Recreation and Open Space (REC) Policies 6.2, 7.2, 7.3, 7.5, and 7.7.

Transportation Element (TRA) Policies 2.1.4, and 3.4.23.

Applicants are encouraged to search the Seminole County Comprehensive Plan; Land Development Code of Seminole County; and Florida Statutes for a comprehensive review of the County's commitments to the Wekiva Area.

## **DEFINING NATURAL RESOURCES**

### **Seminole County Comprehensive Plan**

**OBJECTIVE FLU 13 PROTECTION OF THE NATURAL RESOURCES OF THE WEKIVA STUDY AREA**-The County shall recognize and enforce and, if necessary, strengthen existing Plan goals, objectives, policies, and land development regulations relating to open space, most effective recharge areas, karst features, and sensitive natural habitat, to reinforce the provisions of the Wekiva Parkway and Protection Act (Chapter 369, Part III, Florida Statutes). The goals, objectives, policies, and land development regulations shall ensure that all development activities within the Wekiva Study Area are consistent with the Wekiva Parkway and Protection Act (*Exhibit FLU: Special Area Boundaries*) (page FLU-94, SCCP).

#### **Policy FLU 12.9 Wekiva River Protection Area Environmental Design Standards (3)**

Preservation of property within the Wekiva River Protection Area consisting of wetlands, rare upland habitat, greenways, listed species and their habitat, and wildlife corridors shall be encouraged through the clustering of dwelling units with the goal of permanently preserving these unique open spaces. The County shall consider, if offered, accepting conservation easements over preserved property for the purpose of maintaining ecologically significant wetlands, habitat, greenways, corridors, and listed species (page FLU-91, SCCP).

### **Land Development Code of Seminole County**

#### **Section 30.1112 - Title and Legislative Findings.**

This part shall be known and may be cited as the "Wekiva Study Area Environmental Design Standards" (Ordinance No. 06-85, 12-12-06).

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

- (a) The Seminole County Comprehensive Plan provides for the protection and maintenance of the natural landscape within the Wekiva Study Area.
- (b) The numerous natural resources, including groundwater resources, within the Wekiva Study Area, are important resources that contribute to the quality of life in Seminole County (Ordinance No. 06-85, 12-12-06).

#### **Section 30.1113-Purpose and intent.**

The purpose of this part is to guide the design and location of development within the Wekiva Study Area in a manner which:

- (a) Provides uniform design standards to establish high quality development.

- (b) Maintains existing flora and fauna.
- (c) Allows for effective and innovative planning and development activities.
- (d) Protects the natural resources, including, but not limited to, wetlands systems, karst features, sensitive natural habitat, groundwater resources, aquifer recharge areas, springs, and springsheds.
- (e) Provides for minimization of disturbance to listed species and their habitats.
- (f) Implements, and is consistent with, the provisions of the Wekiva Parkway and Protection Act.
- (g) Implements, and is consistent with, the Seminole County Comprehensive Plan (Ordinance No. 06-85,12-12-06). Other references to Natural Resources in the SCCP are also based on Florida Statutes.

### **Florida Statutes**

#### **Section 163.3177(6)(d)1, Florida Statutes.**

A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, floodplains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

- a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.
- b. Floodplains.
- c. Known sources of commercially valuable minerals.
- d. Areas known to have experienced soil erosion problems.
- e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

#### **Section 163.3177(6)10.c, Florida Statutes.**

The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

- (I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.
- (II) Beaches and shores, including estuarine systems.
- (III) Rivers, bays, lakes, floodplains, and harbors.
- (IV) Wetlands.
- (V) Minerals and soils.
- (VI) Coastal high hazard areas.

Additionally, Seminole shall regulate the development of land along the Wekiva River and its wetlands and tributaries to implement Protection Zone policies and regulations regarding maintaining rural density and character, development setbacks, concentrating allowable development farthest from surface waters and wetlands where permitted, minimizing development impacts on water quantity and quality, and restricting open space areas to passive recreational uses. Seminole County may protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

Please see Goals, Objective, and Policies throughout the Seminole County Comprehensive Plan and Land Development Code of Seminole County relating to the Wekiva River Area prior to filing an Activity Type Application.

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

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

[Wekiva River Protection Act and Wekiva Parkway and Protection Act.](#)

[Wekiva River Area Fact Sheet.](#)

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

Please note that additional conditions may apply depending on the applicant's Activity Type under review.

For additional information, or if you have questions, please contact 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](mailto:plandesk@seminolecountyfl.gov).

Thank You.

T:\Planning\pl\Projects\Comp Plan\Wekiva\Wekiva River Area Consistency Form\Wekiva River Area Consistency Form April 2024