

UCF Team Working Paper

Horizons West Specific Area Plan

- 6.3.12 Specific development financing mechanisms to be used within
(Added 5/97, Ord.#97-07) Lakeside Village shall include an Adequate Public Facilities (APF) Lands mechanism which shall require each property owner to make provisions to set aside public land area in exchange for APF credits, according to a ratio of net usable land within the Village to the total public land area required. For Lakeside Village, the ratio is one (1 acre of public land for every 6.5 acres of developable land. For land areas which do not include public facilities lands or for which public facilities lands have been provided, a fee in lieu of donation shall be required. Such APF revenues shall be allocated for public facilities lands acquisition, support, and maintenance.
- 6.3.13 The County shall consider the establishment of a Special Taxing
(Added 5/97, Ord.#97-07) District for Lakeside Village for the construction and maintenance of common open space and civic uses and adequate public facilities required to support development in the Village.

ADEQUATEPUBLICFACILITIES

DIVISION 2. **ADEQUATEPUBLICFACILITIES** IN THE VILLAGE LAND USE CLASSIFICATION

Sec. 30-710. Purpose; intent; short title.

The purpose of this division is to implement certain provisions of the village land use classification policies adopted as amendments to the future land use element of the Orange County Comprehensive Policy Plan on June 5, 1995. Provisions of those policies and this article focus particularly on the related purposes of achieving efficiency in providing **public** services and encouraging desirable development patterns. It is more specifically the purpose of this article to establish a performance measure of the actual availability and adequacy of **public facilities** to serve new development. It is more specifically the purpose of this division to establish a performance measure of **public facilities** to serve new development, as an alternative to the use of the urban service area as the primary means of determining the availability of **public facilities** to serve new development in the village land use classification as established by the Comprehensive Policy Plan. This article may be cited as the "**AdequatePublicFacilities** Ordinance" (APFO).

(Ord. No. 97-10, § 1, 5-20-97)

Sec. 30-711. Relationship to other requirements.

This division provides a review of the adequacy of **publicfacilities** early in the development approval process. It complements but does not replace or supersede various requirements related to the same or similar **publicfacilities** now contained in chapter 30, article XII, concurrency management, chapter 23, impact fee, or chapter 34, subdivision regulations, of this Code.

(Ord. No. 97-10, § 1, 5-20-97)

Adequatepublicfacilities

Sec. 30-712. **Adequatepublicfacilities** standards established.

All development within any village shall provide **adequatepublicfacilities** as described in the following standards and as shown on the adopted specific area plan (SAP).

Provision of these **adequatepublicfacilities** is established through several mechanisms including but not limited to the concurrency management system, impact fees, special taxing districts, capital improvements programs, the village SAP and this APFO.

(1) *General standards.* Prior to commencing development within any village, the following standards shall be found to have been met:

a. *Water and sewer service:* **Facilities** or a capital improvements plan and financing program to provide **adequatefacilities** to serve the development in accordance with the level-of-service standards established by chapter 30, article XII, concurrency management, of this Code. In addition to the financing program for any capital improvements plan, connection or plant investment fees otherwise applicable in the county will apply to the development for the purpose of financing necessary expansion of the treatment plant and other parts of the system(s) outside the development but serving the development as well as other parts of the county.

b. *Roads:* **Facilities** or a capital improvements plan and financing program to provide **adequate** roads to serve the development in accordance with chapter 30, article XII, concurrency management, of this Code. All road rights-of-way for roads internal to the development shall be planned for dedication at the time of subdividing each phase of the development shown on the specific area plan. For projects in which private roads are proposed, in addition to the financing program for any capital improvement plan, impact fees otherwise applicable in the county will apply to the development for the purpose of financing necessary expansion of the major roadways outside the development but serving the development as well as other parts of the county. The primary road(s) serving a village shall meet the design standards of at least minor collector with level of service D before the issuance of the first building permit in a village. Impact fee credits for provision of road improvements shall be in accordance with chapter 23, impact fees, of this code.

c. *Parks:* Dedication, or reservation and program for financing purchase of open areas of neighborhood center and a village green, all as required by village land use classification policies of the future land use element. In addition to the financing program for any capital improvements plan, impact fees otherwise applicable in the county will apply to the development for the purpose of financing regional park and recreation **facilities**. The developer or other party dedicating the site may receive impact fee credit, if applicable, for the cost of the land dedicated for park purposes.

d. *Schools*: Dedication, or reservation and program for financing purchase of school sites as shown on the adopted specific area plan. In addition to the financing program for any capital improvements plan, impact fees otherwise applicable in the county will apply to the development for the purpose of financing school construction, as well as acquisition of sites for and construction of high schools. Impact fee credits for dedication of the school site shall be in accordance with chapter 23, impact fees, of this Code or established by a developer's agreement with Orange County **Public** Schools or Orange County Board of County Commissioners.

e. *Transit*: The village center included in the specific area plan shall include a planned transit stop, with appropriate shelter and separation from conflicting transportation systems. Major roadways, including those to neighborhood centers shall include the "transit-friendly" provisions required by the village land use classification amendment to the future land use element.

f. *Fire/rescue*: Dedication, or reservation, and program for financing purchase of station site in or near village center. In addition to the financing program for any capital improvements plan, impact fees otherwise applicable in the county will apply to the development for the purpose of financing station construction as well as other capital needs.

g. *Stormwater*: **Facilities** or a capital improvements plan and financing program to provide **adequatefacilities** to serve the development in accordance with the level-of-service standards established by chapter 30, article XII, concurrency management, of this Code.

h. *Environmental preservation*: Where practicable, existing wetlands should be incorporated into a greenway or other open space. All wetlands and conservation areas shall comply with chapter 15, article X, wetland conservation areas, of this Code.

i. *Solid waste*: **Facilities** of a capital improvements plan and financing program to provide **adequatefacilities** to serve the development in accordance with the level-of-service standards established by chapter 30, article XII, concurrency management, of this Code.

j. *Land use mix*: The relationship of land uses within any specific area plan shall reinforce the village form as established by the village land use classification of the Comprehensive Policy Plan, future land use element. This land use concept shall provide for the integration of uses that will foster a pedestrian-oriented community, provide a better job to housing balance and ensure that the location of community **facilities** and commercial services promotes the internal capture of automobile trips.

(2) *P-D land use plan threshold standards*. Prior to approval of any village planned development (P-D) land use plan within a particular neighborhood, the following threshold standards shall be met:

a. Prior to approval of any P-D land use plan within any particular neighborhood, land for an elementary school and the associated neighborhood park, as shown on the SAP, that meets the locational criteria of the village classification future land use element policies shall be either conveyed to the board of county commissioners (the county), or a developer's agreement addressing the conveyance of such land must be executed in accordance with section 30-714. The combination neighborhood park/elementary school site shall be a minimum of twenty acres, excluding stormwater **facilities**.

b. Prior to approval of any P-D land use plan for any portion of the village center, land for the middle school or high school and any associated parks, as shown on the SAP, that meets the locational criteria of the village classification future land use element policies shall be either conveyed to the board of county commissioners, or a developer's agreement addressing the conveyance of such land must be executed in accordance with section 30-714.

c. External right-of-way for collector roads necessary to serve the development with connections to an arterial roadway as shown on the SAP shall be in place through either dedication to the county or executed developer's agreement with the county. If such right-of-way for collector roads necessary to serve the development with connections to the arterial roadway system is interior to the development, then such right-of-way for the collector roads shall be in place through either dedication to the county or a developer's agreement addressing the conveyance of such land must be executed in accordance with section 30-714.

d. Land for the village wastewater treatment site, or an interim **facility** as identified in the SAP to serve the particular development shall have been conveyed to the board of county commissioners or a developer's agreement addressing the conveyance of such land must be executed in accordance with section 30-714.

e. Utility rights-of-way to serve the particular development shall be conveyed to the county or some other non-profit or **public** service commission regulated entity acceptable to the county or a developer's agreement addressing the conveyance of such land must be executed in accordance with Section 30-714.

(3) *Development plan standards.* **Adequate public facilities** lands within any particular development shall be conveyed to the county in accordance with section 30-714. Conveyance of all **adequate public facilities** lands within any particular development shall be required as a condition of development plan approval in accordance with the ratio of **adequatepublicfacilities** lands requirements established by the SAP. In the event that **adequatepublicfacilities** lands requirements can not be met within a particular development plan or the development does not contain any **adequatepublicfacility** lands interior to the development, a payment or credit of an **adequatepublicfacility** lands fee may be paid as described in section 30-714. Those **adequatepublicfacilities** lands, as identified in the SAP, shall include but not be limited to the following:

- a. Right-of-way for collector roads and utilities within and serving the village;
- b. Lands required for sewage treatment **facilities**;
- c. One (1) elementary school site and one (1) neighborhood park/community **facilities** site for each neighborhood;
- d. One (1) middle school site or high school site for each village;
- e. Land for parks and community open space within each village center;
- f. Right-of-way for off-road bicycle/recreation trails.

(Ord. No. 97-10, § 1, 5-20-97; Ord. No. 99-10, § 1, 3-23-99)

Sec. 30-713. Financing program.

(a) The SAP shall include a capital improvements plan for development/construction of all facilities required by section 30-712. Such a plan shall include reasonable estimates

of the cost of such facilities, prepared by a civil engineer, with appropriate adjustments to the cost based on the projected date of construction of each facility.

(b) The SAP shall include a financing plan providing for the funding of the capital improvements program, using a formula to provide for apportionment of costs applicable to each development.

(c) The SAP shall include a land acquisition plan providing for the acquisition and, as applicable, financing of the acquisition of all land required to be conveyed to the county or other public entities under the provisions of this article. Where the developer owns or has binding contracts to acquire land required for conveyance, the developer may provide for direct conveyance of such land. The school site and park site for each neighborhood center must be dedicated to the county or a development agreement between the property owner and the county which conveys this land to the county must be executed prior to development plan approval within any neighborhood. Conveyance of adequate public facilities lands, and/or payment of adequate public facilities lands fees to be in accordance with section 30-714 shall be required prior to development plan approval.

(d) The adequate public facilities identified by section 30-712 may be financed by a variety of funding mechanisms including but not limited to the following:

(1) A municipal services taxing unit/municipal services benefit unit (MSTU/MSBU) may be established for all development within the village to fund the construction and/or maintenance of various public facilities as the developer or county may elect. The developer shall submit copies of all documents necessary to form a MSTU/MSBU as a condition of development plan approval.

(2) Impact fees, connection fees, special taxing districts and other appropriate capital improvements programs may also be utilized in the provision of adequate public facilities. Prior to approval of any final development plans within a particular village, the developer shall agree to participate in any special taxing district as may be necessary to fund the provision of adequate public facilities.

(Ord. No. 97-10, § 1, 5-20-97)

Sec. 30-714. Adequate public facilities lands.

(a) As a condition of approval for the development plan for any village planned development, the developer shall convey the appropriate adequate public facilities lands as established in the SAP. The ratio of land that is to be conveyed shall be established by the SAP as follows:

Lakeside Village SAP

Net Developable Acreage/Required Public Facilities Acreage = 6.5/1

Village of Bridgewater SAP

Net Developable Acreage/Required Public Facilities Acreage = 5.5/1

(b) The conveyance of adequate public facilities land to the county or some other entity acceptable to the county shall be made by either fee simple deed or easement as acceptable to the county.

(c) An option on conveyance of the adequate public facilities lands may be provided through a developer's agreement between the county and the property owner. The option agreement shall contain a provision that the property owner agrees to relinquish control of the property to the county upon demand by the county after reasonable notice as established in the agreement. The property owner may continue to use the property in a

manner not inconsistent with the county's intended use prior to the county's demand. Further, the option agreement shall provide that the developer shall not proceed beyond five (5) percent of the project's approved development plan prior to either:

- (1) The option being exercised and the property being conveyed; or
- (2) The developer paying the appropriate fee in lieu of conveyance as described in section (d) below.

(d) In the event that adequate public facilities lands requirements cannot be met within a particular development plan or the development does not contain adequate public facilities lands, the developer may pay a fee equal to the value of the ratio of required adequate public facilities lands established by the SAP and subsection (a), above. The fee shall be based on the average fair market value of land within the adopted village SAP as established by an independent appraiser. The fair market value will be established by resolution of the BCC at the initiation of development of each neighborhood of the village or the village center and shall be increased annually in accordance with the consumer price index.

(e) A combination of conveyance of adequate public facilities lands and fees as established in subsections (a) through (d) above may be utilized to satisfy the requirements of adequate public facilities lands.

(f) There shall be established an adequate public facilities fund account for each village to be used exclusively for the acquisition, construction and maintenance of adequate public facilities in the village in accordance with this article and the village SAP.

(Ord. No. 97-10, § 1, 5-20-97; Ord. No. 99-10, § 1, 3-23-99)

6.1.10

(Added 6/95, Ord.#95-13

Amend. 5/97, Ord.#97-07

Amend. 3/99, Ord.#99-04)

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

In order to encourage the implementation of the greenbelt

requirements in Policy 6.1.8, preserve other important uplands, agriculture areas, water reuse area, Floridan aquifer recharge, wetland connections and wildlife corridors, Orange County may allow the Transfer of Development Rights from these sending areas to receiving areas in Orange County. To provide rights-of-way for limited expressways or principal arterial roadways necessary to support the villages, Orange County will allow Transfer of Development Rights (TDR) from the rights-of-way to developable receiving areas. Transfer will be limited to the property on which the right-of-way is located or within 1/4 mile of the right-of-way sending area, whichever is greater. Net density in Village Centers and the Town Center may be increased from 5.0 DU/net developable acre up to 16 DU/net developable acre where TDRs are utilized. However, the implementation of the greenbelt requirements in Policy 6.1.8 and the preservation of other important uplands, agricultural areas, water reuse areas, critical Floridan Aquifer recharge sites,

wetland connections and wildlife corridors will not be limited to Transfer of Development Rights. Orange County may allow for purchase of these areas through special taxing districts and special impact fees for a specific Village to be utilized in the establishment of that Village. Orange County shall implement an ordinance implementing Transfer of Development Rights. The TDR ordinance shall enhance the preservation of ecologically sensitive areas and reinforce the defined village edge by identifying TDR sending areas within the Village Greenbelt as identified in policy 6.1.8. The use of TDRs also provides for protection of private property rights within the sending areas. Additionally, as identified by the SAP, limits will be placed on the amount of development rights that can be transferred within any neighborhood to ensure a compact and integrated development form that has a population density to meet the requirements of a neighborhood school while providing for a diversity of housing types. The TDR limits established in the SAP do not create entitlements for their use within any particular development. The use of TDR credits is subject to approval by the Board of County Commissioners on a case by case basis.

In order to prevent urban sprawl and to be consistent with the residential densities provided for in Policy 6.1.3, the County will evaluate the effect of the TDR program upon the average minimum density at the development of fifty (50) percent of any one neighborhood, or by January 1, 2006 (whichever occurs first). If the TDR program has influenced the overall density in such a manner that may jeopardize the Village concepts, the County shall amend the TDR ordinance. The County shall also consider other incentives to promote higher densities.

6.3.1

(Added 5/97, Ord.#97-07
property owner
Amend. 5/01, Ord.#01-11)

Development within any specific neighborhood may be initiated only when a development agreement between the and Orange County has been executed addressing the conveyance of the public land necessary to support the provision of adequate facilities and services to the neighborhood as required by Future Land Use Element Policy 6.1.7 and the Adequate Public Facilities Ordinance of the Orange County Code. Adequate public facilities lands required to support each neighborhood shall include the following as shown in the SAP (Exhibit 5.1) (Public Facilities Lands):

Road right-of-way for collector roads within the Village;
Sewage Treatment Plant;
Elementary School sites;
Park sites;
Bikeways.

No development of residential uses or of the Neighborhood Centers shall be permitted within any neighborhood of Lakeside Village unless the site for the neighborhood school and the adequate public facilities lands necessary to support a specific development proposal have been conveyed to the Orange County Board of County Commissioners or have been provided for in a developers agreement. The valuation for such adequate public facilities for impact fee credits shall not exceed \$22,500 per acre.

In addition, adequate public facilities lands required to support the Village Center shall include the following as shown in the SAP (Exhibit 5.1) (Public Facilities Lands):

Middle School site; and,
Village Center park and community space-

DIVISION 3. TRANSFER OF DEVELOPMENT RIGHTS IN THE VILLAGE LAND USE CLASSIFICATION

Sec. 30-725. Purpose; intent; short title.

- (a) National literature on the subject of transfer of development rights ("TDRs") (specifically American Planning Association PAS Report No. 401, page 4) recognizes that a workable **TDR** program must include:
- (1) Sufficient restrictions on sending areas to give rise to **TDR** sales;
 - (2) Designation of receiving sites with infrastructure capability and sufficient development demand to make additional density increases attractive to developers;
 - (3) Recognition of the economic and financial conditions that underpin a **TDR** market and determine the value of TDRs to both sellers and buyers;
 - (4) A **TDR** program design that is simple and understandable and that does not require complex approvals;
 - (5) Commitment to an educational effort to inform landowners, developers, realtors, bankers/financiers and attorneys about the program.
- (b) In the county, it is the county's intent to develop through this division a program through which TDRs will be utilized to preserve greenbelts within each village in a designated village land use classification.
- (c) TDRs will be utilized to ensure that each neighborhood within a village is built at sufficient density to support and make viable:
- (1) The elementary school which is the focal point/center of the community;
 - (2) The investment in capital improvements within the village;

- (3) The avoidance of urban sprawl by creating a compact development pattern to enhance pedestrian and transit feasibility.
 - (d) It must be noted that TDRs are not the sole means but are one option applicable to the preservation of greenbelt and other important natural and agricultural areas.
 - (e) This division may be cited as the "Transfer of Development Rights Ordinance" or "**TDR** Ordinance."
- (Ord. No. 97-10, § 1, 5-20-97)

Sec. 30-726. Implementation.

(a) *Specific area plan.*

- (1) The village land use classification requires that a specific area plan (SAP) be adopted prior to implementation of the provisions of this division.
- (2) Detailed village boundaries are established through the applicable SAP. The SAP will generally designate, but is not limited to, the following:
 - a. Sending areas as greenbelts;
 - b. Receiving areas/neighborhoods and residential areas;
 - c. Overall density for the village;
 - d. Open space.
- (3) The SAP sets parameters of potential sending/receiving areas but is not a detailed construction/development plan.
- (4) PD land use plans within the SAP shall propose conceptual locations for density transfer, if needed.

(b) *Transferring density.*

- (1) Density may only be transferred within the boundaries of one (1) village as established by and in conformance with the SAP applicable in that particular village.
- (2) Onsite density transferring:

Onsite density transferring may be accomplished on properties owned by the same landowner only. The SAP overall density may be attained by density transferring within property provided the property to be developed as planned development (PD) and the land use plan specifically designates and limits the density on each parcel within PD. Any density change to the land use plan will be a substantial change requiring board of county commissioners (BCC) review and approval.

The use of a PD adequately locks in the use of the parcels within the PD and prevents the inconsistent use of lands from which density was removed (sending areas) and density transferred elsewhere (receiving areas).

(3) Transfer of development rights:

- a. This division is the mechanism by which appropriate densities within the SAP will be maintained when property is in multiple ownership. This division will provide the mechanism by which density on individual parcels may be increased or decreased. Sending areas will be established and implemented by the recording of conservation/agricultural/development rights easements. Receiving and sending areas will include a listing of transferred density not to be retransferred, via title or deed restrictions. Receiving areas will be established to provide areas in which **TDR** credits may be placed. **TDR** credits will be required prior to PSP submission if a parcel seeks to increase or decrease its established density as listed in the PD land use plan.

b. **TDR** value will be assigned to all property in a village. The uplands will be assigned a **TDR** value as follows:

Lakeside Village

Uplands--eleven (11) dwelling units (DU)/acre

Wetlands--one (1) DU/three and one half (3 1/2) acres

Village of Bridgewater

Uplands--seventeen and one-tenth (17 1/10) dwelling units (DU)/acre

Wetlands--one (1) DU/two and nine-tenths (2 9/10) acres

NOTE: The assigned **TDR** value is for **TDR** implementation only. **TDR** value does not affect future land use map density established by the comprehensive policy plan and **TDR** value does not give an independent or vested right to build:

1. In wetlands;
2. In sending areas;
3. Any structure or have any use that is out of compliance with the SAP; and
4. Prior to rezoning to PD/village district.

(c) *Sending areas.*

(1) Sending areas are areas to be preserved as greenbelts and conservation areas designated for preservation in SAP. Greenbelts are those areas around the perimeter of the village established to provide a unique sense of space within the village and those areas within a village to provide, preserve, establish and enhance natural green space and wildlife corridors.

(2) Sending areas for **TDR** purposes have the value of the assigned **TDR** value as follows:

Lakeside village:

a. Greenbelt uplands--eleven (11) DU/acre;

b. Wetlands--one (1) DU/three and one-half (3 1/2) acres;

Village of Bridgewater:

a. Greenbelt uplands--seventeen and one-tenth (17 1/10) DU/acre;

b. Wetlands--one (1) DU/two and nine-tenths (2 9/10) acre;

(3) The sending areas will be preserved through the recording of the appropriate easement.

a. Conservation easements, F.S. § 704.06;

b. Agricultural use easements;

c. Development right easements.

(4) Sending areas are designated in general by the SAP, PD village district, by a conceptual proposal during the PD LUP process. Sending areas are specifically and finally determined and established by the PD development plan approval.

(d) *Receiving areas.*

(1) Receiving areas are areas to be developed at an overall minimum average density throughout the village as is designated in the applicable SAP. Specifically, receiving areas are tiered to allow different ranges of density in accordance with the neighborhood function as designated on the SAP. Each receiving area has the underlying base density value which is dependent on SAP density designation of underlying property. Those ranges will be either two (2) DU/acre, three (3) DU/acre, four (4) DU/acre, six (6) DU/acre or twelve (12) DU/acre according to the SAP designation.

(2) Each acre of receiving area must propose the conceptual density transfer at PD LUP and acquire any necessary **TDR** credits prior to PD development plan, and provide a document submittal to establish the ability to develop over or below the density assigned to the property.

(3) Receiving areas are designated in general by the SAP and by PD/village district. Receiving areas are specifically and finally determined and established by development plan approval.

(Ord. No. 97-10, § 1, 5-20-97; Ord. No. 99-10, 3, 3-23-99)

TDR

Sec. 30-727. Applying **TDR** concept.

(a) *Basic model example (based on three (3) DU/acre tier).*

(1) A twenty-acre property is designated as three (3) DU/acre.

(2) Without TDRs this property may develop sixty (60) DU.

(3) Prior to PD development plan submittal, the twenty-acre property receives development rights from a one-acre upland buffer (eleven (11) DU/acre **TDR** value).

(4) Upon PSP approval any applicable **TDR** sending area easement shall be recorded with the outgoing density per acre fully documented.

(5) The PSP approval for the twenty-acre property shall declare how the TDRs are to be applied, either reducing or adding density, and the property may then go on to develop down to forty-nine (49) DU (sixty (60) DU minus eleven (11) DU) or up to seventy-one (71) DU (sixty (60) DU plus eleven (11) DU), as declared.

(b) *Increased density areas.*

(1) Certain areas within the village may be at higher densities:

a. Town centers and village centers;

b. Other areas as established by SAP or PD (tiers).

(2) Increased density areas must acquire the appropriate amount of TDRs prior to PD development plan approval above the **TDR** tier value.

(3) There are a limited number of **TDR** credits that are available in each neighborhood.

The maximum density increase is as indicated in the following chart; construction above the average density range after **TDR** increase within a proposed development plan is prohibited.

TDR MAXIMUM INCREASE

Starting Density Range (DU/acre)	Maximum Average Density Increase (DU/acre)	Maximum Density Range After TDRs (DU/acre)
2	2	4
3	3	6
4	4	8

6	6	12
12	8	20

- (4) PD land use plan approvals shall contain a condition that no PD development permits will be issued until **TDR** credits are presented and accepted by the county.
- (5) Each PD land use plan utilizing TDRs shall submit a report summarizing the cumulative availability of **TDR** credits within the particular neighborhood. The amount of density increases available is that amount needed to preserve the maximum elementary school attendance, as documented in the SAP.

(c) *Decreased density areas.*

- (1) If an applicant desires to build below minimum DU/acre designated for the property, application for a variance/substantial change to PD must be made.
- (2) The applicant must acquire TDRs to build below the designated DU/acre for the tier.
- (3) The maximum density reduction is as indicated in the following chart; construction below the average density range after **TDR** reduction within a proposed development plan is prohibited.

TDR MAXIMUM DENSITY REDUCTION

TABLE INSET:

Starting Density Range (DU/acre)	Maximum Average Density Reduction (DU/acre)	Minimum Allowable Density Range After TDR Reduction (DU/acre)
2	1	1
3	1	2
4	2	2
6	3	3
12	4	8

- (4) Density reduction, if approved, becomes part of a recorded title or deed restriction, noted conceptually on the PD LUP and finalized at the PD development plan stage.
- (5) Each PD land use plan utilizing TDRs shall submit a report summarizing the cumulative availability of **TDR** credits within the particular neighborhood. The available

amount of density reduction approvals is that amount to still preserve overall village/neighborhood density value of at least five (5) DU/acre and an overall density value in any amount of density needed to preserve minimum or maximum school attendance and prevent urban sprawl, as documented in the SAP.

(d) *Securing TDR transfers.*

(1) PD/village district land use plans shall impose a condition that no PD development plan permit will be issued without the applicable amount of TDR credits being established over the property to be permitted. The PD LUP shall list proposed receiving and sending locations.

(2) A receiving site seeking PD development plan approval, as part of an application, must present at minimum an unrecorded TDR credit from the sending parcel in the form of a conservation easement, restrictive covenant or other appropriate easement including legal description; survey and acreage and density transferred. Form documents are available through the county.

(3) As a condition of approval of the PSP/commercial site plan for the receiving site, the sending site easement/covenant shall be recorded on the public record at the applicant's expense.

(4) The county will formally accept the sending site easement/covenant at the time of receiving site plan approval.

(5) If development plan is not approved, the county will not accept the easement/covenant and return the unrecorded document to the applicant.

(Ord. No. 97-10, § 1, 5-20-97; Ord. No. 99-10, § 4, 3-23-99)

Sec. 30-728. County participation.

(a) Nothing in this division shall require the county to purchase, sell or otherwise establish a TDR bank.

(b) Nothing in this division shall prevent the county from purchasing or selling TDRs or otherwise establishing a TDR bank.

(c) The planning department shall be responsible for monitoring all development approvals to ensure compliance with SAP density requirements and applicable use of TDRs. TDR proposals which are deemed inconsistent with the SAP may be denied by the county.

(Ord. No. 97-10, § 1, 5-20-97)

Questions

- How has the Adequate Public Facilities land mechanism worked?
- Has a special taxing district for Lakeside Village been established?
- Would the STD also receive the Adequate Public Facilities revenues?
- Has a MTSU been established for Lakeside Village?

Though the base residential density in Horizon West remains one (1) dwelling unit per ten (10) acres, more intense development scenarios can be achieved through master planned communities located in *Village* designated areas. As defined in the Comprehensive Policy Plan, Villages, must be designed to include no less than 1,000 acres and no greater than 3,000 acres. Furthermore, Villages must include three components: Neighborhood, Village Centers and Greenbelts. Though Villages are not within the County's Urban Service Area, they are required to provide all aspects of public services, including public utilities, schools and parks.

Initially there were nine (9) conceptual villages in Horizon West, but due to the configuration of the approved projects and the annexation of areas to the south, this number has dropped. Also, an area to the north has been re-designated as a Rural Settlement, further reducing the amount of potential villages. With the minimum acreage requirements, it is important to retain the land area needed for future village development.

If adopted, this request would change the FLUM designation of 216 acres from Village to *Commercial – Growth Center / Resort*. Orange County recognizes the

regional nature of growth through the use of Growth Centers. Growth Centers allow urban intensity development on parcels outside of the Urban Service Area that are contiguous to urban development in adjacent counties. Through Joint Planning Area (JPA) agreements, the adjoining jurisdictions provide urban services to the designated Growth Centers. If this amendment were adopted, the subject site would receive urban services from the City of Kissimmee.