

**VOLUSIA SMART GROWTH IMPLEMENTATION COMMITTEE
RECOMMENDATIONS
For Map B**

Maximize Compatibility of Development and Natural Resources in Other Natural Areas

Maximize the compatibility of development within Map B lands with the protection of natural systems. The degree of compatibility required should be greater to the extent that an area proposed for development meets any of the following criteria, and should be determined based on the results of the study outlined in Recommendation A4 below.

- It is part of the county's currently designated Environmental Systems Corridor.
- It is identified as a high value upland or wetland habitat area.
- Wetlands are present.
- Natural communities are present that are underrepresented among lands currently in public ownership or otherwise protected in Volusia County.
- Occurrences of rare or endangered species have been confirmed on the land.
- The land comprises part of a natural drainage corridor.
- It is adjacent to or near lands in Map A.
- Buffering is necessary to protect Map A lands from the impacts of proposed development.

The character and density of development in these areas should be agreed upon by the cities and the county as described in Recommendation B4 of this report. Measures to ensure compatibility should include clustering, transfer of development rights, or development conditions as appropriate. If the county and a city do not agree, the decision-making board described in Recommendation V7 should have jurisdiction.

Study of Map B Lands

The Committee recommends that the county, in cooperation with Volusia cities, conduct a study of Map B lands to identify areas where urban development might be accommodated, where cluster development might be appropriate, and areas that should be protected (including the county's currently designated Environmental Systems Corridor.) This study is intended to provide the detailed information necessary to implement Recommendations A2, B2 and B3, and D1, D2, and D3. The study should take into consideration the following criteria:

- Presence of Environmental Systems Corridor lands. [These lands should enjoy the highest degree of protection within Map B.]
- Natural systems or habitat value (this includes all criteria outlined in Recommendation A2.)
- Presence of natural drainage corridors.
- Suitability for development.
- Proximity to Map A lands.
- The amount of buffering required to protect Map A lands from the impacts of proposed development.
- Proximity to, or contiguity with, existing urban areas.
- Proximity to existing infrastructure and school capacity.

The Committee believes that buffering sufficient to protect Map A lands from the adverse impacts of development, including potential degradation of water quality, is essential and should be reflected in the study and in the design of any development in Map B lands.

Primary Water and Sewer Service Areas [SB 360]

The county and cities should cooperatively identify primary water and sewer service areas within Map B lands and within currently urbanized areas, appropriate for urban development or redevelopment. These areas would be presumed appropriate for urban development. The county and the cities should jointly develop incentives for development to occur in these areas in a smart growth fashion [Note: This recommendation meets the requirements of Florida Laws 2005-290 (SB 360) regarding steering development to appropriate areas.]

Secondary Water and Sewer Service Areas [SB 360]

The county and cities should cooperatively identify secondary water and sewer service areas within Map B lands and Map A lands currently in private ownership. These areas would be rural, but would allow provision of water and sewer for limited cluster development in designated areas. Such cluster development should be consistent with the provisions of Recommendations A1, D1, D2 or D3 of this report. Sites for such development should be identified pursuant to Recommendation A3 and A4 of this report. Provision of water and sewer in this area must be in conjunction with the application of tools, such as conservation easements, that ensure that extension of water and sewer service to these clusters cannot result in additional urban development inappropriate for the area. This area could also allow limited extension of water and sewer service to address environmental concerns associated with septic tanks. [Note: This recommendation meets the requirements of Florida Laws 2005-290 (SB 360), regarding steering development to appropriate areas.]

Extent of Primary and Secondary Water and Sewer Service Areas

All areas of the county, with the exception of publicly owned lands, should be within a primary or secondary water and sewer service area. Each primary or secondary water and sewer service area should have only one provider.

Joint Visions and Planning for “Areas of Influence” and Potential Annexation Areas [SB 360]

Cities and the county should enter into interlocal agreements that delineate and describe a joint vision for the future of the unincorporated areas surrounding cities. This joint vision should be adopted into the comprehensive plans of both jurisdictions and should address the issues listed below. An area so delineated should be known as the “area of influence” of the municipality involved.

- The future character of the area and development in it.
- Compatibility of design standards between the county and the municipality or municipalities, and between adjacent municipalities if appropriate. In any case, the higher design standards should prevail.
- Service provision, including the delineation of primary and secondary water and sewer service areas.
- Future annexation.

Where two or more cities share an interest in an unincorporated area, all interested municipalities should be party to the agreement, and the agreement should address compatibility of design standards and service provision between the cities, as well as between the cities and the county.

An important purpose of the joint visions and plans described in this recommendation is to establish a desired future character for these areas that is independent of whether the area remains unincorporated or is annexed by a municipality. The focus is on smart growth land use, not jurisdiction. The potential future annexing jurisdiction shall be specified for all areas of influence. Once the joint vision and implementing comprehensive plan provisions have been agreed-upon and adopted, concurrence of all parties to the agreement should be required for any changes to land use. This requirement should remain in effect after any annexation. Disputes should be appealable to the decision-making body.

Clustering [SB 360]

Clustering of development in the secondary water and sewer service area should be encouraged in Volusia County as a tool for protection of open space, scenic vistas, historic sites, rural landscapes, agricultural lands, and environmentally sensitive lands as described below, and in Recommendation A1e. (For a definition of clustering as the term is used in this report, please see Appendix B.)

- a) Cluster developments should be allowed “as a matter of right” in the Map B secondary water and sewer service area through approval of a “binding development agreement.” These developments should receive an as-of-right density bonus of 25% for protecting substantially all wetlands and placing 50% of the project under a conservation easement held by Volusia County.
- b) Density bonuses in excess of 25% should be available in Map B lands to cluster developments that place more than 50% of the project under a conservation easement, protect environmentally sensitive lands, wetlands, water features, or recharge areas, scenic vistas, or contribute to an integrated system of protected natural areas. Such bonuses should be negotiated between the county or other jurisdictions and the developer, on a sliding scale that considers the degree to which the proposed development exceeds the minimum criteria for as-of-right cluster developments. The bonus should only be granted if the area to be developed meets the criteria of the study outlined in Recommendation A4 for land suitable for development.
- c) Cluster developments could also be allowed that protect working landscapes, agricultural practices, or continued forestry operations.
- d) Land protected by easement as a result of clustering should have natural resource or agricultural value and should, wherever possible, connect to networks of protected lands. Land protected by conservation easements should not be available for use as golf courses.
- e) Filing fees for cluster developments should be adjusted so as to not penalize clusters.
- f) Procedures should be adopted which treat cluster developments differently and less onerously than Planned Unit Developments [PUDs.]
- g) Design standards should be adopted which could be incorporated into cluster development agreements to encourage conservation results.

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- k) Design standards should be adopted which could be incorporated into cluster development agreements to encourage conservation results.

Transfer of Development Rights [SB 360]

In order to protect the rights of property owners while protecting lands that may not be appropriate for any development, Volusia County and Volusia municipalities should establish a transfer of development rights program. The donor and receiving areas within the secondary water and sewer service area should be identified based on the study outlined above this report. Additional receiving areas within already urbanized areas should be identified jointly the cities and the county.

Rural Lands Stewardship [SB 360]

In order to protect the rights of property owners while protecting lands that may not be appropriate for any development, Volusia County and Volusia municipalities should fully explore the possibility of establishing a Rural Lands Stewardship Program as authorized in Florida Statutes. The donor and receiving areas should be identified based on the study outlined above in this report.

Rural Vista Setbacks

In order to protect the rural appearance of rural areas, the county should adopt “rural vista management plans for all development along designated rural transportation corridors. These plans should identify the factors that contribute to the rural character of the vista for each road, and provide development guidelines (including, among others, minimum setbacks, design standards, tree protection standards, and native plant buffers with opacity standards) that will ensure the preservation of that rural character. These guidelines should not result in lower net densities on the parcels affected.

Additional Sources of Revenue

Agriculture is a market based activity that must remain profitable to remain viable. Current county zoning and land-use regulations relating to agriculture limit the activities allowable on agricultural land, and therefore limit potential revenue sources that could contribute to keeping agricultural lands in production or rural in character. The Committee therefore recommends the following:

- a) Volusia County should expand uses permitted (see Appendix A “Tool Box”) in agriculturally zoned land to allow for additional income producing activities. The Agri-Business Inter-relation Committee and county staff should review what is currently permitted, based on size of acreage and make provision for additional uses.
- b) To encourage broader utilization of the expanded range of uses resulting from Recommendation D5a, the county should explore mechanisms to limit the liability of landowners for public use of private lands.
- c) Support the River of Lakes Heritage Corridor initiative by the West Volusia Tourism and Advertising Authority and encourage similar activities to promote eco-tourism and agriculture throughout the county.
- d) The county and municipal economic development departments should target agricultural product processing as viable economic activities that can contribute to keeping agricultural lands in production or rural in character.

Bluebelt Ordinance

State law provides that counties may adopt “bluebelt” ordinances providing tax relief for properties that meet criteria for contributing to aquifer recharge. Volusia County should explore adoption of a Bluebelt ordinance for properties that meet the requirements under state law.

Vesting Easements

Explore the use of vesting easements as a non-monetary way to compensate landowners for maintaining land in agricultural production.

Agricultural Use of Public Lands

Explore the leasing of appropriate government-owned land for agricultural uses, either for a flat fee or a percentage of the return on the continuing agricultural operation. The revenues generated from such leasing should be used to purchase additional environmentally sensitive lands.

Funding for Rural and Family Lands Protection Act

Direct the Volusia County Legislative Delegation to implement and fund the Rural and Family Land Protection Act

Definition of Rural Communities

The county should define what is meant by rural communities in terms of density and levels of service.

Planning for Rural Communities [SB 360]

The county should conduct additional small area studies of rural communities to develop appropriate plans for their future.

Short Term Protection of Rural Communities [SB 360]

To provide protection to rural communities in the short-term, the cities and the county should develop joint planning agreements and adopt compatible zoning and land use regulations in and around the communities that will protect these communities from encroaching urban development. There is a need for longer-term assurance of protection.

Long-Term Protection of Rural Communities [SB 360]

The Charter Review Commission should consider a charter amendment that will protect appropriate rural communities and villages from encroaching urban development.

New Rural Communities [SB 360]

The county should allow for the development of new rural communities