

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

APR 20 2010 NP/CAS

EFFECTIVE DATE

ORDINANCE NO. 2010-04

MAY 01 2010

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; CREATING THE “ENVIRONMENTAL LAND STEWARDSHIP PROGRAM” FOR THE PURPOSE OF REQUIRING THE PROTECTION OF ECOLOGICALLY IMPORTANT LANDS WITHIN THE INNOVATION WAY OVERLAY BY CREATING A NEW ARTICLE XVIII (“ENVIRONMENTAL LAND STEWARDSHIP PROGRAM”) OF CHAPTER 15 (“ENVIRONMENTAL CONTROL”) OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

*Section 1. Creation of Article XVIII, Chapter 15.* A new Article XVIII to be entitled “Environmental Land Stewardship Program Ordinance” is hereby created under Chapter 15 of the Orange County Code, to read as follows:

**ARTICLE XVIII  
ENVIRONMENTAL LAND STEWARDSHIP**

*Sec. 15-820. Short Title.*

This article may be cited as the “Environmental Land Stewardship Program Ordinance.”

*Sec. 15-821. Legislative Findings.*

The Board of County Commissioners (the “Board”) finds as follows:

(a) Prior to 2006, the land included in what is now known as the Innovation Way Overlay, generally bounded by State Road 417 on the west, State Road 528 on the north, the Econlockhatchee River on the east, and the Osceola County line on the south, was designated primarily for rural use in the Future Land Use Element and the Future Land Use Map of the Comprehensive Plan.

(b) In 2005, Orange County Mayor Richard Crotty proposed the vision of a regional high-technology corridor linking the University of Central Florida to the Orlando International Airport, and thereafter the County commissioned the 2005 Innovation Way Economic Development and Resource Management Study (“Study”) conducted by Ivey Planning Group, LLC.

(c) The Study was completed in December 2005 and created a platform to begin the planning process for the Innovation Way Overlay.

(d) Through a series of intensive community meetings and several public hearings, a planning vision for the Innovation Way Overlay was created. Central to this planning vision was the creation of a regional corridor linking the University of Central Florida to the Orlando International Airport, anchoring the creation of economic catalysts like industry and technology parks and the creation of high technology/high value jobs and businesses.

(e) This high technology corridor concept, vital to the economic growth of the greater Orlando metropolitan area and diversification of the region’s economic and employment base, requires higher development densities and intensities than can be accomplished with the rural future land uses that were designated for the Innovation Way Overlay.

(f) Although greater density and intensity of development is necessary to achieve the economic goals of the high technology regional corridor, there are substantial areas of ecologically important lands located within the Innovation Way Overlay, and the need for economic diversification and development must be balanced with the protection of the environment.

(g) The vision for the Innovation Way Overlay, incorporates the high technology corridor concept and includes protection of ecologically important lands. This balancing of high technology/high value economic development with environmental protection requires innovative urban form, multimodal transportation concepts and infrastructure, and sustainable development practices.

(h) The Board formally adopted the vision for and created the Innovation Way Overlay by adopting goals, objectives,

and policies and by adopting a map depicting the Innovation Way Overlay, in the Comprehensive Plan in 2006 (Ordinance #2006-08). These goals objectives and policies for the Innovation Way Overlay required the creation of an Environmental Land Stewardship Program (“ELSP”) by adoption into the Comprehensive Plan and implementation by ordinance.

(i) The Board amended the Comprehensive Plan goals, objectives and polices in 2009 (Ordinance #2009-28) to establish the ELSP and set forth its primary principles consistent with the original purpose.

(j) The primary purpose of the ELSP is to provide protection for the area’s environmental resources while allowing opportunities for sustainable economic development.

(k) Consistent with the Comprehensive Plan goals, objectives and policies pertaining to the Innovation Way Overlay and the ELSP, and the primary purpose of the ELSP, lands to be protected under the ELSP are identified based on five principles: to provide additional buffering along the Econlockhatchee River; to create, enhance, and preserve wildlife corridors; to provide adequate crossings for wildlife and water conveyance; to protect habitat on ecologically important lands; and to protect rare habitat. The County, in cooperation with the owners of the five largest properties within the Innovation Way Overlay (the ICP DRI south of State Road 528, the proposed Innovation Way East DRI, the proposed Camino Reale DRI, the proposed Starwood DRI/PD, and the property known as Camino Reale South), all as more particularly described on Appendix “B”, created a map known as the *Innovation Way Environmental Land Stewardship Program (ELSP) Map* (Innovation Way ELSP Map). The overarching goal of the map was to identify Stewardship Lands (as hereinafter defined) on those five properties, in addition to the previously approved Innovation Place DRI, which meet the five principles, consistent with the objectives and policies of Innovation Way. The map was submitted to and approved by the County.

Data from multiple sources was used and relied upon for analysis and identification of Stewardship Lands on the five properties, including the following: the Innovation Way Study, Florida Natural Areas Inventory, St. Johns River and South Florida Water Management District Databases, Florida Land Use Cover Classification Systems, National Soil Conservation Service, Federal Emergency Management Agency, Florida Fish and Wildlife Conservation Commission (“FFWCC”) Habitat Model

Data, and specific site indicators such as topography, vegetation, soils data, floodplain information, and other field observations.

***Sec. 15-822. Purpose and Intent.***

This Article is established to implement the goals, objectives and policies of the Comprehensive Plan adopted by the Board to help preserve lands conceptually identified as Stewardship Lands on the *Innovation Way ELSP Map*, or other lands within the Innovation Way Overlay that meet the primary principles. The primary principles are:

- (a) Provide additional buffering along the Econlockhatchee River;
- (b) Create, enhance and preserve wildlife corridors;
- (c) Provide adequate crossings for wildlife and water conveyance;
- (d) Protect habitat on ecologically important lands; and
- (e) Protect rare habitat.

***Sec. 15-823. Definitions.***

When used in this Article, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Conservation Areas*** are those lands defined by Orange County Code, Chapter 15, Article X, Section 15-364.

***Ecologically Important Lands*** are lands with qualifying environmental characteristics or function based on scientific data or study.

***Environmental Land Stewardship Program*** (“ELSP”) is that program identified in the Comprehensive Plan as Objective FLU5.5 and its associated policies, including specific criteria to be used in the evaluation and establishment of Stewardship Lands and adoption of the Innovation Way ELSP Map.

***Environmental Land Stewardship Area Determination*** (“ELSAD”) is the mechanism to be used during the development approval process to identify those lands being set aside to meet the

primary principles underlying the ELSP. In the event that a parcel has a valid Conservation Area Determination (“CAD”) from EPD, the CAD must be updated to include upland Stewardship Lands.

*EPD* is the Orange County Environmental Protection Division.

*Environmental Protection Officer (“EPO”)* is as defined in Section 15-32.

*Firewise techniques* are activities that reduce the loss of lives, property, and resources to wildland fire by building and maintaining communities in a way that is compatible with the natural surroundings, and managing undeveloped land, green spaces, agricultural land and property to maintain it in its natural condition.

*Innovation Way Environmental Land Stewardship Program Map (Innovation Way ELSP Map)* is the conceptual map identifying Stewardship Lands on certain properties within the Innovation Way Overlay. The Innovation Way ELSP Map was adopted into the Comprehensive Plan as FLU Map 20 by Ordinance #2009-28. The Innovation Way ELSP Map is on file in the Orange County Environmental Protection Division, 800 Mercy Drive, Orlando, Florida 32808.

*Innovation Way Overlay* is the Innovation Way Overlay Study Area designated on “Exhibit B” of Ordinance #2006-08. This exhibit is attached hereto as Appendix “A” and is on file at the Orange County Planning Division, 201 South Rosalind Avenue, Orlando, Florida 32801.

*Lot of Record* is a lot which is a part of a subdivision, the plat of which has been lawfully recorded in the office of the clerk of the circuit court of the county, or a parcel of land, the deed of which was lawfully recorded in the office of the clerk of the circuit court of the county on or before October 7, 1957.

*Preservation Areas* are lands that are either in public ownership, or lands that have been platted with development rights granted to Orange County, or a County-approved entity, or lands that have been encumbered with a conservation easement granted to the County or other government agency.

*Stewardship Lands* are those lands offered for preservation through the ELSP (including conservation areas, buffers required by state and County regulation, and additional lands required to be

preserved under this ordinance) that are determined to be consistent with Comprehensive Plan Objective FLU5.5 and associated policies. Stewardship Lands must meet the principles of the ELSP, which are to:

1. Provide additional buffers along the Econlockhatchee River;
2. Provide adequate crossings for wildlife and water conveyance;
3. Enhance or create existing wildlife corridors;
4. Protect habitat on ecologically important lands; and
5. Protect rare habitat.

Lands identified as Stewardship Lands on the Innovation Way ELSP Map are presumed to meet these principles.

***Stewardship Lands Assignment*** is an assignment of all or a portion of the credit for Stewardship Lands that have been preserved and have a management plan in place.

***Stewardship Lands Study*** is a study that identifies Stewardship Lands on properties within the Innovation Way Overlay. A Stewardship Lands Study shall identify lands that meet the five principles of ELSP and shall be based on data from multiple sources such as: the Innovation Way Study; Florida Natural Areas Inventory; St. Johns River and South Florida Water Management District Databases; Florida Land Use Cover Classification Systems; U.S. Fish & Wildlife Service, National Wetlands Inventory Maps; National Soil Conservation Service; Federal Emergency Management Agency; FFWCC Model Data; Orange County Geographic Information Systems layers, including Conservation Areas, Strategic Habitat Conservation Areas, and Orange County Soil Surveys; Florida Geographic Data Library, including Biodiversity Hotspots and Integrated Wildlife Habitat Ranking System; and specific site indicators such as topography, vegetation, soils data, floodplain information, and other field observations. The methodology for a Stewardship Lands Study must be approved by the EPO or his or her designee prior to commencement of the study.

**Sec. 15-824. Applicability and exemptions.**

(a) *Applicability.* This Article applies to development of all property within the Innovation Way Overlay unless otherwise exempt. For such property, all development approvals,

including, but not limited to, the following, shall be subject to the requirements of this Article:

- (1) Comprehensive Plan amendment;
- (2) Rezoning;
- (3) Detailed Area Plan (“DAP”);
- (4) Development of Regional Impact (“DRI”);
- (5) Planned Development Land Use Plan (“PD-LUP”);
- (6) Preliminary Subdivision Plan (“PSP”);
- (7) Preliminary Subdivision Plan (“PSP”)/  
Development Plan (“DPs”);
- (8) Development Plan (“DP”); and

Any substantial deviations to a DRI Development Order (“DO”), an amendment to a DAP, or a substantial change to a PD-LUP, a PSP, a PSP/DP, or a DP shall be subject to the requirements of this Article.

(b) *Exemptions.* The following property is exempt from the requirements of this Article:

- (1) A single-family house on a single-family lot of record.
- (2) Any development that is consistent with the Future Land Use Map (FLUM) and zoning designations existing on the property as of June 13, 2006, provided such development is consistent with those designations.
- (3) Any land located within a Rural Settlement as of June 13, 2006.
- (4) Any land owned by Orange County, the City of Orlando, Orlando Utilities Commission, Orlando Orange County Expressway Authority, or the State of Florida or its agencies, provided such land is used for a public purpose.

(5) Development with a consistency vested-rights determination, provided the vested rights do not expire and the development occurs in a manner that is consistent with the vested rights determination.

***Sec. 15-825. Processing of Development Applications.***

(a) *Generally.* All applications for Comprehensive Plan amendments, DAPs, DRIs, rezonings, PD-LUPs, PSPs, PSP/DPs, DPs, and amendments or changes thereto, must demonstrate consistency with the ELSP requirements identified in this section.

(1) Copies of all applications shall be submitted to EPD. All applications must provide sufficient information to determine compliance with the requirements of the ELSP ordinance.

(2) Once ELSP depictions and representations have been submitted pursuant to this section, all subsequent applications submitted for approval shall be consistent with previous ELSP submittals, unless otherwise approved by EPD.

(3) All applications must demonstrate that the proposed project has used existing wetland crossings to the greatest extent practicable. For all new wetland crossings within the Innovation Way Overlay, except those within the Econlockhatchee River Corridor Protection Zone as defined by Chapter 15, Article XI, Section 15-443, the applicant must demonstrate that:

- a. There is no practicable alternative to the new crossing;
- b. All practicable measures to minimize harm to the resource have been implemented; and
- c. The wildlife crossing is adequately sized to maintain wildlife movement.

There shall be no additional crossing by road, rail or utility corridors of the Econlockhatchee River Corridor Protection Zone unless the following conditions are met:

- a. There is no feasible and prudent alternative to the crossing;

- b. All possible measures to minimize harm to the resources of the basin will be implemented;
- c. The crossing supports an activity that is clearly in the public interest as determined by the Board; and
- d. The wildlife crossing is adequately sized to maintain wildlife movement.

The use of additional crossings co-located with existing crossings shall be presumed to be the least harmful alternative. The expansion of existing crossings shall be presumed to be less harmful to the resources than the construction of new crossings. Adequate wildlife underpasses shall be provided at all new or expanded river crossings. Aerial crossings of the protection zone by roads and utilities are encouraged.

(4) No net floodplain encroachment (fill) shall be permitted within the 100-year floodplain of the Big Econlockhatchee River and its named tributaries (Econlockhatchee River Swamp, Fourmile Creek, Little Creek, Turkey Creek, Green Branch, Cowpen Branch, Hart Branch and Long Branch).

(5) “Waterwise” landscaping and other water conservation measures shall be implemented to the greatest extent practicable.

(6) Properties containing wetland/wildlife corridors shall be connected to other natural communities (where practicable) through preservation of land.

(7) No non-native landscape species (excluding turf grasses) shall be located within 550 feet of the boundary of any Preservation Areas designated as of December 31, 2009. The limited use of turf grasses as a road or yard stabilizer will be allowed on a case by case basis.

(8) Development adjacent to designated conservation areas and/or preservation areas shall incorporate firewise techniques on any abutting lots.

(9) The interim agricultural use of proposed Stewardship Lands shall be allowed, so long as such uses are

consistent with the Rural/Agricultural Future Land Use designation.

(b) *Comprehensive Plan amendments, rezonings, DAPs, DRIs, PD-LUPs and changes thereto.*

(1) Applications for Comprehensive Plan amendments, rezonings, DAPs, DRIs, PD-LUPs and changes thereto shall:

- a. Provide a draft ELSAD that includes the following information:
  - (i) The general location of proposed Stewardship Lands;
  - (ii) Identification of wildlife corridors through the property and existing preserved wildlife corridors adjacent to the property;
  - (iii) The approximate acreage of Stewardship Lands. Acreage must be broken down into surface waters, wetlands and uplands;
  - (iv) The approximate Stewardship Lands to gross acreage ratio. This ratio shall be derived by dividing the approximate acreage of Stewardship Lands by the gross acreage of the property; and
  - (v) A Stewardship Lands Study. If proposed Stewardship Lands are those shown on the Innovation Way ELSP Map, no Stewardship Lands Study is required.
- b. Provide a draft Environmental Land Stewardship (“ELS”) Agreement that shall, at a minimum, include the following:

- (i) A commitment by the property owner to preserve Stewardship Lands within the property;
- (ii) The general location of Stewardship Lands within the property;
- (iii) The approximate total acreage of Stewardship Lands within the property; and
- (iv) Draft sketches of the proposed Stewardship Land boundaries.

Upon approval and acceptance by the Board, the final executed ELS Agreement shall be recorded in the Public Records of Orange County, Florida at the sole cost of the applicant. The ELS Agreement, and the obligations therein, shall continue as a servitude running in perpetuity with the land, shall inure to the benefit of the land and shall be binding upon any person, firm, or corporation, or other entity that may become the grantee of any or all of the land or that may otherwise become a successor or assign in interest, directly or indirectly to the land.

- c. Provide baseline data on any wildlife and plant species listed in Sec. 581.185, F.S. and Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., on the site. This inventory must be conducted using the FFWCC and U.S. Fish and Wildlife Service survey methodologies. Additionally, baseline data on non-listed wildlife

and plant species shall be provided through a reconnaissance level survey. A hard copy, electronic copy, and GPS coordinates of the data shall be provided to the EPD in a format compatible with the EPD Master Species Access Database.

- d. Provide, if applicable, a draft restoration plan that describes how proposed Stewardship Lands that were altered after October 13, 2009, will be brought to a condition acceptable to the County to be considered Stewardship Lands.

(2) In conjunction with approval of Comprehensive Plan amendments, rezonings, DAPs, DRIs and PD-LUPs, the applicant shall:

- a. Submit an updated draft ELSAD with final Stewardship Lands to gross acreage ratio, subject to the approval of the Environmental Protection Officer;
- b. Submit an executed ELS Agreement, which includes the final Stewardship Lands to gross acreage ratio, the general location of Stewardship Lands within the property, the approximate total acreage of Stewardship Lands, and draft sketches of the proposed Stewardship Land boundaries. The ELS Agreement shall be subject to Board approval based upon the recommendation of the Environmental Protection Officer;
- c. Within 10 days of Board approval of the DAP, DRI, PD-LUP or Rezoning, record in the Public Records of Orange County, Florida, a notice of the ELSP obligations for

the property in substantially the following form:

***Environmental Land Stewardship Program Notice***

*The property that is described on the attached Exhibit "A" (the "Property") is located within the Innovation Way Overlay in Orange County, Florida. Please be advised that all property located within the Innovation Way Overlay is subject to the requirements of Orange County Code, Chapter 15, Article XVIII, the Environmental Land Stewardship Program Ordinance (the "ELSP Ordinance"). The ELSP Ordinance provides that all development approvals in the Innovation Way Overlay are contingent upon preservation of Stewardship Lands, as defined in the ELSP Ordinance. Such preservation requires a management plan, which may include certain continuing resource management practices including, but not limited to: ecological burning, pesticide and herbicide use, exotic plant and animal removal, use of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.*

- d. In addition to recording the Notice required in Subsection 15-825 (b)(2)c above, the following form of disclosure shall be provided for signature to any purchaser of property that is located within the Innovation Way Overlay in conspicuous type and in a document that is separate and distinct from the contract for purchase and sale.

## ***Environmental Land Stewardship Program Disclosure Statement***

*If you are buying property within the Innovation Way Overlay in Orange County, you should know these basic facts:*

*1. Property in the Innovation Way Overlay is subject to the requirements of Orange County Code, Chapter 15, Article XVIII, the Environmental Land Stewardship Program (ELSP) Ordinance.*

*2. The ELSP Ordinance provides that all development approvals in the Innovation Way Overlay are contingent upon preservation of Stewardship Lands, as defined in the Ordinance.*

*3. The property you are purchasing may be located adjacent to or in close proximity to property designated as Stewardship Lands either now or in the future. Stewardship Lands are subject to management plans that may include certain continuing resource management practices including, but not limited to: ecological burning, pesticide and herbicide use, exotic plant and animal removal, use of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.*

*3. Before you sign a contract, be sure that you receive written information about the ELSP and how it affects the property you are purchasing.*

*I have read and understand the disclosures provided in this disclosure statement prior to execution of a contract to purchase*

*any property in the Innovation Way Overlay.*

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*[signature of purchaser]*

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*[print name of purchaser]*

The disclosure statement shall be in conspicuous type and shall be contained in a single document that shall be provided to the purchaser separately from the contract for purchase and sale and the other documents. The disclosure type shall be conclusively deemed conspicuous if it is all uppercase letters and typed in at least twelve-point typeface.

(c) *For PSPs, PSP/DPs, DPs, and substantial changes thereto:*

(1) Applications for PSPs, PSP/DPs, DPs, and substantial changes thereto shall:

a. Demonstrate compliance with the approved ELSAD or provide an updated ELSAD that includes the following:

(i) The specific location of proposed Stewardship Lands, including their location relative to lands identified as Stewardship Lands on previous ELSADs.

(ii) The total acreage of Stewardship Lands. Acreage must be broken down into surface waters, wetlands and uplands. The total acreage of Stewardship Lands shall be calculated by multiplying the Stewardship Lands to gross

acreage ratio by the gross acreage of the property that is the subject of the application.

- (iii) The updated ELSAD, if required, is subject to EPD approval.
  - (iv) A Stewardship Assignment pursuant to Section 15-826 (5)-(6) may be submitted in lieu of an ELSAD.
- b. Provide an updated inventory of wildlife and plant species listed in Sec. 581.185, F.S. and Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., that occur on the site. This inventory must be conducted using the FFWCC and U.S. Fish and Wildlife Service survey methodologies. Additionally, baseline data on non-listed wildlife and plant species shall be through a reconnaissance level survey. A hard copy, electronic copy, and GPS coordinates of the data shall be provided to the EPD in a format compatible with the EPD Master Species Access Database.
- c. If applicable, provide an updated proposed restoration plan that describes how any proposed Stewardship Lands that were altered after October 13, 2009, will be brought to an acceptable condition to the County to be considered Stewardship Lands.

(2) In conjunction with approval of PSPs, PSP/DPs, DPs, and substantial changes thereto, the applicant must demonstrate ability to meet the Stewardship Land preservation requirements by providing proof that sufficient Stewardship Lands are being preserved within the boundaries of the property that is included in the application and/or by providing a Stewardship

Lands Assignment pursuant to Section 15-826 assigning credit for sufficient Stewardship Lands to meet the ratio established in the associated ELS Agreement.

(d) *Final platting.*

(1) No building permits shall be issued on land within the Innovation Way Overlay prior to approval and execution of a plat.

(2) Prior to approval and execution of any plat, the following are required:

a. Final ELSAD consistent with executed ELS Agreement, approved by the Environmental Protection Officer, or Stewardship Assignment pursuant to Section 15-826 (5)-(6). The Final ELSAD shall include:

(i) Final sketches and legal descriptions of Stewardship Lands;

(ii) Identification of wildlife corridors through the property and existing preserved wildlife corridors adjacent to the property;

(iii) Final acreage of Stewardship Lands broken down into surface waters, wetlands, and uplands; and

(iv) Final Stewardship Lands to gross acreage ratio.

If the final sketches and legal descriptions of Stewardship Lands differ from those shown on the Innovation Way ELSP Map, The Environmental Protection Officer has the authority to approve minor variations provided that such variations are not inconsistent with the five primary principles set forth in Section 15-822, and the Stewardship Lands to gross acreage

ratio set forth in the final ELS Agreement approved by the Board remains equivalent. EPD shall maintain the Innovation Way ELSP Map and shall update it as Stewardship Lands are preserved pursuant to Section 15-825 (d)(3).

- b. Management Plan pursuant to Section 15-827;
- c. If applicable, Final Restoration Plan.

(3) Prior to approval and execution of any plat, and consistent with the ELS Agreement and final ELSAD (and acreage identified in any updated ELSAD submitted and approved as a condition of approval of PSP, PSP/DP, DP, or substantial change thereto), the requisite Stewardship Lands shall be preserved by either:

- a. Conveyance to the County in fee simple by warranty deed;
- b. Conveyance to a County-approved environmental organization in fee simple by warranty deed; or
- c. Recording of a conservation easement in favor of the County or a County –approved environmental organization. The conservation easement shall prohibit the activities listed in Section 704.06(1) (a) – (h), Florida Statutes.

***Sec. 15-826. Early Preservation of Stewardship Lands.***

Property owners may elect to preserve Stewardship Lands earlier than immediately prior to platting on large areas of their property and then may assign credit for such preservation to subsequent purchasers or other successors-in-interest, subject to County approval, within the Innovation Way Overlay. If a property owner elects to preserve Stewardship Lands prior to platting pursuant to this Section, and subsequent purchasers of land, or other successors-in-interest, within the Innovation Way Overlay provide proof to the County of assignment of credit for

Stewardship Lands during the processing of development applications, some of the steps in the processing of development applications section will be unnecessary.

A property owner may process early preservation of Stewardship Lands through the following process:

- (a) The property owner must provide the following:
  - (1). An ELS Agreement that shall, at a minimum, include the following:
    - a. A commitment by the property owner to pre-preserve Stewardship Lands;
    - b. The specific location of Stewardship Lands to be pre-preserved, including a sketch and legal description;
    - c. The acreage of Stewardship Lands to be pre-preserved;
    - d. A description of the process for assigning credit for early preservation of Stewardship Lands; and
    - e. The methodology for determining the purchase cost of the assignment of credit for early preservation of Stewardship Lands.

The ELS Agreement shall be subject to Board approval based on the recommendation of the Environmental Protection Officer, and shall be recorded in the Public Records of Orange County, Florida at the sole cost of the applicant. The ELS Agreement, and the obligations therein, and shall continue as a servitude running in perpetuity with the land, shall inure to the benefit of the land and shall be binding upon any person, firm, or corporation who may become the grantee of any or all of the land or who may otherwise become a successor

or assign in interest, directly or indirectly to the land.

- (2) An ELSAD, subject to the approval of the Environmental Protection Officer , that includes the following information:
  - a. The specific location of Stewardship Lands to be pre-preserved.
  - b. An identification of wildlife corridors throughout the property and existing preserved wildlife corridors adjacent to the property.
  - c. The acreage of Stewardship Lands to be pre-preserved. Acreage must be broken down into surface waters, wetlands and uplands.
  - d. A Stewardship Lands Study. If proposed Stewardship Lands are those shown on the Innovation Way ELSP Map, no Stewardship Lands Study is required.
  - e. If applicable, a restoration plan that describes how proposed as Stewardship Lands that were altered after October 13, 2009, will be brought to an acceptable condition to be considered Stewardship Lands.
- (3) Baseline data on any wildlife and plant species listed in Sec. 581.185, F.S. and Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., that occur on the site. This inventory must be conducted using the FFWCC and U.S. Fish and Wildlife Service survey methodologies. Additionally, baseline data on non-listed wildlife and plant species shall be provided through a reconnaissance level survey. A hard copy, electronic copy, and GPS coordinates of the data shall be provided to the EPD in a

format compatible with the EPD Master Species Access database.

(b) The property owner shall preserve the Stewardship Lands by either:

- (1) Conveyance to the County in fee simple by warranty deed;
- (2) Conveyance to a County-approved environmental organization in fee simple by warranty deed; or
- (3) Recording of a conservation easement in favor of the County or a County-approved environmental organization. The conservation easement shall prohibit the activities listed in Section 704.06(1) (a)–(h), Florida Statutes.

(c) The property owner shall provide a Management Plan pursuant to the requirements of Section 15-827.

(d) When the Stewardship Lands have been preserved and the Management Plan has been approved by the Environmental Protection Officer, the County shall issue a letter to the Property Owner acknowledging the acreage of Stewardship Lands that has been preserved.

(e) The property owner may assign all or a portion of the credit for the preserved Stewardship Lands to a successor-in-interest. The Stewardship Lands Assignment shall be in writing, executed by the Property Owner or authorized agent, shall identify the location and acreage of the Stewardship Lands, and shall include a tabulation showing the total acreage of the previously approved Stewardship Lands, the portion of the previously approved Stewardship Lands being allocated to the current application, and the remaining acreage of the previously approved Stewardship Lands available for any future applications. Any Stewardship Lands Assignment shall be subject to County approval.

(f) An applicant who has received a Stewardship Lands Assignment shall provide a copy of the assignment, including a copy of the tabulation referenced in Section 15-827 (e), in lieu of the ELSAD.

***Sec. 15-827. Management of Stewardship Lands.***

Prior to approval and execution of any plat including Stewardship Lands, in addition to demonstrating the preservation of Stewardship Lands, a Management Plan for such Stewardship Lands shall be in place. The Management Plan shall promote the preservation of wildlife and maintenance of native species diversity.

The management plan shall, at a minimum, include:

- (a) Onsite natural resource overview;
- (b) Forest management plan;
- (c) Fire management/mechanical treatment plan;
- (d) Invasive plant and animal species control;
- (e) Reporting Schedule;
- (f) Identification and location of access points;
- (g) Plant and animal monitoring plan;

(h) Mechanism acceptable to Orange County for perpetual maintenance of preservation area(s) (e.g., performance bond, letter of credit, surety bond, Community Development District assessment, or other financial assurance acceptable to the County); and

(i) Management fee where Orange County is designated as the land management steward.

All management plans must be approved by the Environmental Protection Officer. If the Stewardships Lands are to be conveyed to a County-approved environmental organization in fee simple by warranty deed, the Management Plan must also be approved by that agency.

***Sec. 15-828. Appeals from decisions of Environmental Protection Officer.***

Any final decision of the Environmental Protection Officer under this Article shall be appealable in accordance with Section 15-38, Chapter 15, Orange County Code.

**Sec. 15-829. Change in Ownership.**

Should ownership change, it is the responsibility of the owner(s) selling the property to inform subsequent owner(s) of the Stewardship Land obligation.

**Sec. 15-830. Code Violation.**

Violation of any of the requirements of this Article constitutes a "violation of the code" as set forth in Section 1-9, Orange County Code and this Article may be enforced pursuant to Chapter 11, Orange County Code.

**Section 2. Effective Date.** This ordinance shall take effect May

1, 2010.

APPROVED THIS \_\_\_\_ DAY OF APR 20 2010, 2010.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: Richard T. Crotty  
Richard T. Crotty  
Orange County Mayor

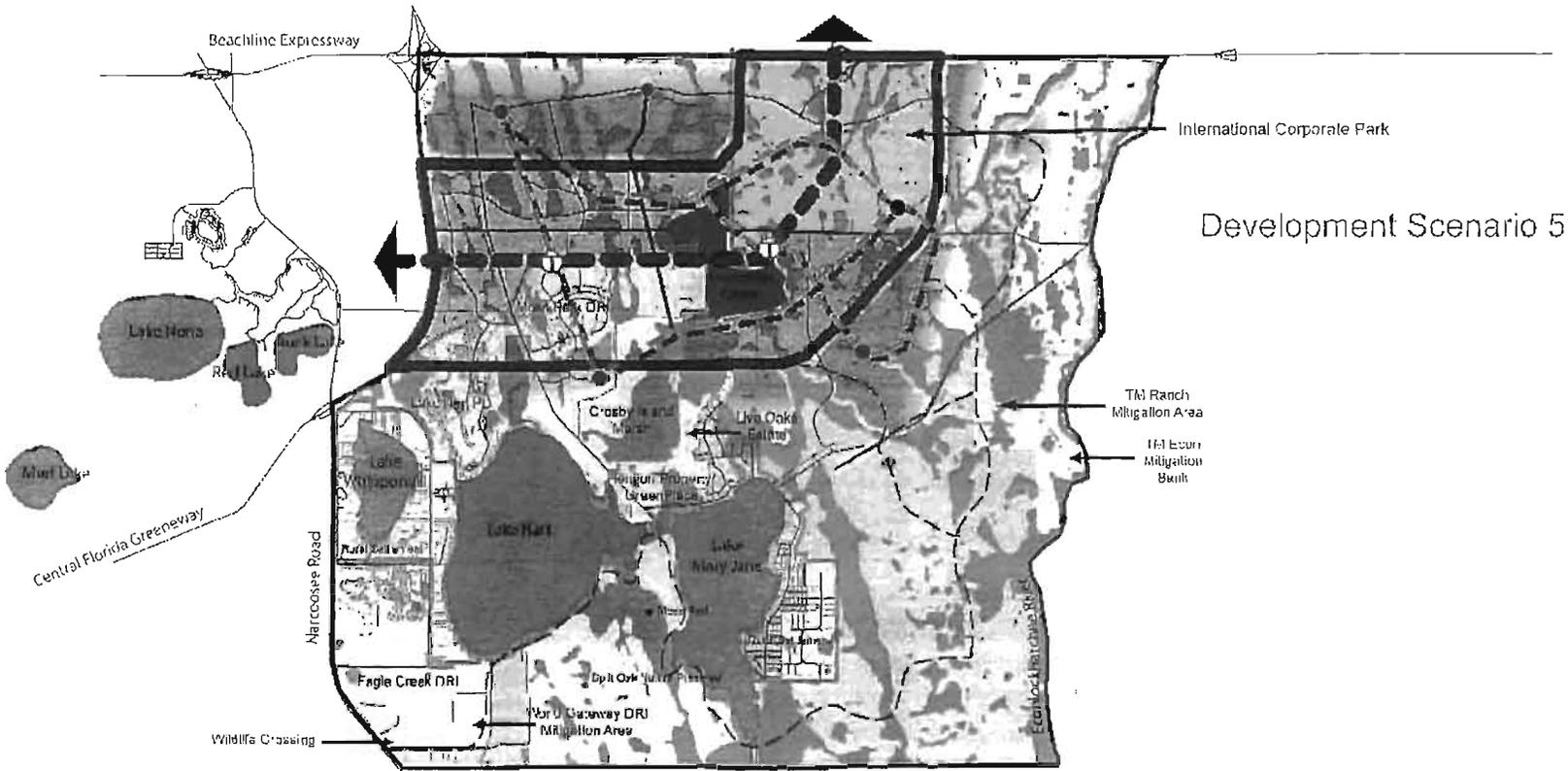
ATTEST: Martha O. Haynie, Orange County Comptroller  
as Clerk of the Board of County Commissioners

By: Martha O. Haynie  
Asst. Deputy Clerk BMST-P-H





# Innovation Way Economic Development & Environmental Resource Management Study



Development Scenario 5

APPENDIX A  
Innovation Way Overlay



- Legend**
- Study Area
  - Activity Centers
  - Community District
  - Uncommitted I-WAY Corridor Lands
  - Committed Development
  - Wetlands
  - Existing Conservation Areas and County Preservation Land
  - Water Bodies
  - Rural/Agricultural
  - Potential Innovation Way Road
  - Existing Roads
  - Proposed Roads
  - Proposed Multimodal Trail Network
  - Shuttle Circulator Route
  - T Intermodal Transit/Transportation Site



Source: Orange County GIS



**APPENDIX B - Updated 3-22-10**

**ICP (SUBURBAN LAND RESERVE, INC.) SOUTH OF BEACHLINE**

06-24-32-0000-00-017  
06-24-32-0000-00-001

31-23-32-0000-00-002  
31-23-32-0000-00-005

31-23-32-3859-00-003  
31-23-32-3859-00-004  
31-23-32-3859-00-005  
31-23-32-3859-00-006  
31-23-32-3859-00-007  
31-23-32-3859-00-008  
31-23-32-3859-00-009

36-23-31-0000-00-003  
36-23-31-0000-00-002  
36-23-31-0000-00-006  
36-23-31-0000-00-007

36-23-31-3849-00-010  
36-23-31-3849-00-020  
36-23-31-3849-00-030  
36-23-31-3849-00-040  
36-23-31-3849-00-050  
36-23-31-3849-00-060

36-23-31-3849-02-000  
36-23-31-3849-05-000  
36-23-31-3849-06-000  
36-23-31-3849-07-000  
36-23-31-3849-08-000  
36-23-31-3849-09-000

**STARWOOD (CARLSBAD ORLANDO LLC)**

32-23-31-0000-00-002

**CAMINO REALE DRI**

1-24-31-0000-00-011

**INNOVATION WAY EAST (FARMLAND RESERVE, INC)**

32-23-32-0000-00-001  
33-23-32-0000-00-002  
04-24-32-0000-00-003  
04-24-32-0000-00-004  
04-24-32-0000-00-005  
10-24-32-0000-00-004

**CAMINO REALE SOUTH (FARMLAND RESERVE, INC.)**

30-24-32-0000-00-001

29-24-32-0000-00-001 (Rio Real Properties Orlando LLC)  
30-24-32-0000-00-002 (Rio Real Properties Orlando LLC)  
31-24-32-0000-00-001 (Rio Real Properties Orlando LLC)

**INNOVATION PLACE (MOSS PARK PROPERTIES)**

09-24-31-0000-00-034  
09-24-31-0000-00-008  
09-24-31-0000-00-012  
04-24-31-0000-00-001  
09-24-31-0000-00-032