



SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468

Accessory Dwelling Units LDC and Comprehensive Plan Amendments

Agenda Memorandum

File Number: 2021 - 2537

Title:

Accessory Dwelling Units Comprehensive Plan Text Amendment and Land Development Code Amendment - Consider an Ordinance amending the Introduction, Capital Improvements, Future Land Use, and Housing Elements of the Seminole County Comprehensive Plan; and an Ordinance amending Chapters 2, 5, and 30 of the Seminole County Land Development Code; to permit accessory dwelling units on certain residential properties; Countywide (**Jeff Hopper, Project Manager**)

Division:

Planning and Development

Contact/Phone Number:

Jeff Hopper 407-665-7377

Motion/Recommendation:

1. Adopt the proposed Ordinance enacting Comprehensive Plan text amendments to permit accessory dwelling units in the County's urban area; and, subject to final approval and adoption of the Comprehensive Plan Text Amendments, adopt the associated Ordinance enacting corresponding revisions to the Land Development Code; or
2. Deny the proposed Ordinance enacting Comprehensive Plan text amendments to permit accessory dwelling units in the County's urban area; and deny adoption of the associated Ordinance enacting corresponding revisions to the Land Development Code; or
3. Continue the request to a time and date certain.

Background:

An accessory dwelling unit (ADU) is a separate living unit that is attached to a larger home or located within a freestanding structure on the same property. Currently, Seminole County's Land Development Code allows ADU's only in the A-3, A-5, and A-10 zoning districts in the East Rural Area. The proposed amendments would also permit

them, subject to administrative approval, within the A-1, RC-1, and single family residential districts R-1 through R-1AAAA. They could also be approved in existing residential Planned Developments in the PD district.

ADU's are recognized as a method of responding to the need for affordable housing for smaller households, single parent households, and aging households. In support of this concept, the State of Florida enacted Section 163.31771 F.S., which enables a local government to permit ADU's to help meet their affordable housing needs without counting toward maximum allowable densities.

Proposed regulations would permit an ADU to have a full kitchen, also addressing setbacks, parking, neighborhood compatibility, and other issues. An ADU would be limited in floor area to ensure that it remains subordinate in size to the principal structure; however, an existing home could become an ADU upon construction of a new home proportionately larger. The property owner would be required to occupy either the principal unit or the ADU.

In addition to amending the Land Development Code, the expanded permitting of ADU's also requires text amendments to the Comprehensive Plan. These include definitions of accessory and principal dwelling units in the Introduction Element; policies in the Future Land Use Element enabling the Land Development Code amendments; and a policy in the Capital Improvements Element stating that ADU's shall be considered to have minimal impacts on public facility capacities. This policy also establishes a two-year interval for re-evaluating these impacts.

Planning & Zoning Commission

On October 7, 2020, the Planning & Zoning Commission held a public hearing to consider the proposed ordinance and unanimously approved the recommendation to transmit the amendments to state and regional agencies for review. The Planning & Zoning Commission minutes are attached for review.

Board of County Commissioners

On October 27, 2020, the Board approved transmittal of the amendments for State and regional agency review. Meeting minutes are attached for review. Of the responding State agencies, there were no objections or concerns received. Subsequent to the hearing, the proposed ordinance was revised to establish requirements for maximum lot coverage; and also to clarify that impact fees will not be waived for any ADU that is utilized as a vacation rental.

Staff Recommendation:

Recommend the Board of County Commissioners adopt the proposed Ordinance enacting Comprehensive Plan text amendments to permit accessory dwelling units in the County's urban area; and, subject to final approval and adoption of the Comprehensive Plan Text Amendments, adopt the associated Ordinance enacting corresponding revisions to the Land Development Code.

ATTACHMENTS:

Description

- ▢ LDC Accessory Dwelling Unit Ordinance
- ▢ Comp Plan Accessory Dwelling Unit Ordinance
- ▢ Economic Impact Statement
- ▢ Private Property Rights Statement
- ▢ LPA Minutes
- ▢ BCC Transmittal Hearing Minutes

ORDINANCE NO. 2021-____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
3 **SEMINOLE COUNTY, FLORIDA RELATING TO ACCESSORY**
4 **DWELLING UNITS: AMENDING CHAPTER 2 (DEFINITIONS) OF THE**
5 **LAND DEVELOPMENT CODE OF SEMINOLE COUNTY TO PROVIDE**
6 **DEFINITIONS OF “DWELLING UNIT, ACCESSORY” AND “DWELLING**
7 **UNIT, PRINCIPAL”; AMENDING CHAPTER 5 (ADMINISTRATION) OF**
8 **THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY TO**
9 **PROVIDE FOR MAXIMUM AUTHORIZED ADJUSTMENTS TO**
10 **ACCESSORY DWELLING UNIT SIZES; AMENDING CHAPTER 30**
11 **(ZONING REGULATIONS) OF THE LAND DEVELOPMENT CODE OF**
12 **SEMINOLE COUNTY TO PROVIDE STANDARDS FOR**
13 **ADMINISTRATIVE APPROVAL OF ACCESSORY DWELLING UNITS**
14 **IN THE A-10, A-5, A-3, A-1, RC-1, PD, AND ALL R-1 DISTRICTS;**
15 **PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN**
16 **THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY;**
17 **PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE**
18 **DATE.**

19 **WHEREAS**, the Board of County Commissioners, in an effort to provide a range of
20 housing types and opportunities attainable by households of varying needs and income levels,
21 desires to provide options for establishment of Accessory Dwelling Units in residential zoning
22 districts; and

23 **WHEREAS**, the Seminole County Local Planning Agency held a public hearing, with all
24 required public notice on October 7, 2020, for the purpose of providing recommendations to the
25 Board of County Commissioners with regard to the Ordinance amending the Land Development
26 Code and recommended that the Board of County Commissioners adopt the Ordinance amending
27 the Land Development Code to provide for Accessory Dwelling Units.

28 **WHEREAS**, the Seminole County Home Rule Charter requires that an Economic Impact
29 Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance
30 upon the public and taxpayers of Seminole County and such Economic Impact Statement has been

prepared and has been made available for public review and copying prior to the enactment of this
32 Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings
36 of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Short Title. This Ordinance is designated as Accessory Dwelling Unit Land
38 Development Code Amendment.

Section 3. Intent and Purpose. The intent and purpose of this Ordinance is to amend the
40 Seminole County Land Development Code to provide for standards to administratively allow
Accessory Dwelling Units in residential zoning districts.

Section 4. Chapter 2 (Definitions) of the Land Development Code of Seminole County is
42 hereby amended to read as follows:

Chapter 2 – DEFINITIONS

* *

Sec. 2.3. - Definitions.

* * *

~~**Accessory dwelling unit:** A dwelling unit attached to or included within a principal
48 dwelling unit, or located on the same lot and having an independent means of access. Such unit
50 may include a full kitchen.~~

* * *

Affordable Rental: As applied specifically to accessory dwelling units, a unit whose
52 monthly rent and utility costs do not exceed thirty percent (30%) of that amount which represents

54 the percentage of the medial adjusted gross annual income for extremely-low-income, very-low-
income, low-income, or moderate-income persons.

56 * * *

Dwelling unit, accessory: A dwelling unit, subordinate in size to the principal dwelling
58 unit, which is attached to a principal unit, or located on the same lot, and having an independent
means of entry. Except as provided in Section 5.19(b), an accessory dwelling unit shall not exceed
60 thirty-five percent (35%) of the gross floor area of the principal dwelling unit, or 1,000 square feet,
whichever is less. There shall be a maximum of one (1) accessory dwelling unit per single family
62 lot or parcel.

Dwelling unit, principal: The larger of the two (2) dwelling units on a lot or parcel wherein
64 an accessory dwelling unit (ADU) is located. Where an ADU is proposed as new construction, the
principal dwelling unit shall be constructed prior to or concurrently with the accessory unit.

66 * * *

Impervious coverage: That portion or percentage of a land area, lot or parcel which is
68 covered by an impervious surface as a result of a building activity or development.

* * *

70 **Section 5.** Chapter 5 (Administration) of the Land Development Code of Seminole County
is hereby amended to read as follows:

72 **Chapter 5 – ADMINISTRATION**

* * *

74 **Sec. 5.19. Administrative adjustments.**

(a) *Applicability.* Due to the individual characteristics of a given development, the
76 strict application of all provisions of the Code may not be appropriate in all situations. Therefore,

limited administrative adjustments may be permitted to allow a measure of flexibility while
 78 fulfilling the overall intent of the Code.

(b) *Maximum Authorized Adjustments.*

80 (1) Adjustments shall be limited to percentage amounts as shown in the table
 below.

Approval Type	Code Section(s)	Director	BCC**
Site Plan (including Special Exception Site Plans)	Chapter 30 Parts 14, 15, 18, 19, 32, 36, 38—42, 46—48, 60, 62, 63, 64, 70, 74	10%— 15%*	20%
Planned Development/RP	See approved site plan/DO/DCA	10%— 15%*	20%
Sign Permit	Sec. 30.1243(a)	10%	20%
Arbor Permit	Sec. 60.22(f)	10%— 15%*	
<u>Accessory Dwelling Units</u>	<u>Sec. 30.1345(g)</u>	<u>10%***</u>	

82 Director: ~~Economic & Community Development~~ Services Department Director or designee.

BCC: Board of County Commissioners.

84 DO: Development Order.

DCA: Developer's Commitment Agreement.

86 * If administrative adjustment sought exceeds 10%, Development Review Committee review shall be
 88 required and any adjustment greater than 10% but not exceeding 15% may be awarded at the discretion
 of the ~~Economic & Community Development~~ Services Department Director.

** Maximum adjustment without public hearing.

90 *** In no case shall an accessory dwelling unit exceed 1,100 square feet.

* * *

92 **Section 6.** Chapter 30 (Zoning Regulations) of the Land Development Code of Seminole
County is hereby amended to read as follows:

94 * * *

PART 3. - ADMINISTRATION

96 * * *

Sec. 30.43. - Board of adjustment.

98 * * *

(b) *Powers and duties.* The Board of Adjustment shall have the following powers and
100 duties:

 * * *

102 (5) *Limitation of powers.* Under no circumstances shall the Board of
Adjustment grant a special exception or variance to permit a use not generally or by special
104 exception permitted in the zoning classification involved, or any use expressly or by implication
prohibited by the terms of this chapter in the said zoning classification. No variance shall be
106 granted to any definition or element of such definition as adopted in Section 2.3. No
nonconforming use of neighboring lands, structures, or buildings in the same zoning classification,
108 and no permitted use of lands, structures, or buildings in other zoning classifications shall be
considered grounds for the authorization of a variance.

110 * * *

PART 6. - A-10, A-5, AND A-3 RURAL ZONING CLASSIFICATION/RURAL

112 **SUBDIVISION STANDARDS**

* * *

114 **Sec. 30.102. - Permitted uses.** Within any property assigned the A-10, A-5 or A-3
Zoning Classifications, no building, structure, land or water shall be developed, except for the
116 following uses:

* * *

118 (k) Accessory dwelling units, subject to the following requirements:

(1) No more than one (1) accessory dwelling unit shall be permitted on any
120 parcel or lot;

(2) ~~Total~~ Except as provided in Section 5.19(b), total floor area of the accessory
122 dwelling unit shall not exceed thirty-five-~~(35)~~ percent (35%) of the gross floor area of the main
residence or 1,000 square feet, whichever is less;

(3) If located in a detached structure, the accessory unit shall be set back at least
124 ten (10) feet from the rear lot line and shall meet the side yard setback requirement applicable to
126 the main residence.

* * *

128 **PART 7. - A-1 AGRICULTURE**

* * *

130 **Sec. 30.123. - Limited uses.** It is the intent of this section that uses listed ~~herein~~ in
subparagraphs (a) through (d) be of a temporary nature ~~and,~~ but all uses listed herein may be
132 allowed, after review by the ~~Growth Management Director~~ Planning and Development Division
Manager, subject to the terms and conditions contained herein. The ~~Director~~ Manager may impose

134 additional conditions and limitations in furtherance of the public health, safety, and welfare.

Limited uses are as follows:

136 * * *

(e) An accessory dwelling unit (ADU) may be approved subject to the requirements of

138 Section 30.1345(g).

* * *

PART 10. - RC-1 COUNTRY HOMES DISTRICT

* * *

142 **Sec. 30.170. Limited Uses.** It is the intent of this Section that the following use may be
allowed, after review by the Planning and Development Division Manager, subject to the terms
144 and conditions contained herein. The Manager may impose additional conditions and limitations
in furtherance of the public health, safety, and welfare.

146 (a) An accessory dwelling unit (ADU) may be approved subject to the requirements of
Section 30.1345(g).

148 **Secs. ~~30.170~~ 30.171—30.180. - Reserved.**

* * *

PART 25. - PD PLANNED DEVELOPMENT

* * *

152 **Sec. 30.442. - Permitted uses—(PD).** ~~No~~ Except as permitted herein, no use shall be
specifically permitted or prohibited within a planned development by requirement of this part.
154 Uses which are permitted, permitted subject to conditions, or prohibited within an individual
planned development shall be noted as such through the master development plan and/or
156 development order. In all cases, allowable uses, including density and intensity limits, shall be

consistent with the Comprehensive Plan. Any use requiring licensing or other approval by the State
158 of Florida or the Federal government shall obtain such approval as a condition for inclusion within
any planned development.

160 Accessory dwelling units within a PD may be administratively approved by the Planning
and Development Division Manager subject to the requirements of Section 30.1345(g).

162 * * *

PART 70. - SUPPLEMENTAL DISTRICT REGULATIONS

164 * * *

~~Sec. 30.1345. Location of accessory~~ Accessory buildings and uses in residential areas.

166 ~~Unless otherwise provided in this Code, the following setbacks for accessory buildings shall apply:~~

(a) When an accessory building is attached to a main structure by a breezeway,
168 passage, or otherwise, it shall comply with dimensional requirements of the main building.

(b) ~~A~~ Except as provided in subparagraph (e) below, a detached accessory building,
170 ~~also a garage apartment,~~ shall not be closer than ten (10) feet to a rear lot line and shall comply
with the side yard setback requirement for the main residence.

(c) No detached accessory building shall project beyond the established front building
172 line. In the case of corner lots, the lot shall be treated as having front yards on any side abutting a
174 road right-of-way.

(d) In any residential area, no commercial kennels nor any livestock or fowl may be
176 housed or pastured closer than one hundred fifty (150) feet to any lot line nor may any commercial
production of any stock, animal, or fowl be permitted.

(e) Any detached accessory building exceeding two hundred (200) square feet in size
178 and/or twelve (12) feet in height, and any accessory dwelling unit, regardless of size, shall be

180 required to meet all of the set back requirements applicable to the main residential structure located
on the parcel.

182 (f) In the case of double frontage lots and where there is a conforming six (6) feet high
minimum solid fence or wall to the rear of the property and in the case of detached accessory
184 structures under two hundred (200) square feet in size and under twelve (12) feet in height, there
shall be a minimum ten (10) feet rear yard setback.

186 (g) (1) Accessory Dwelling Units Generally.

(A) It is the purpose of this Section to allow accessory dwelling units
188 (ADUs), as defined in Section 2.3, with appropriate regulations, in all Single Family, Agricultural,
and Rural districts; and in Planned Developments which are approved for single family use. It is
190 also the purpose of this Section to create a regulatory framework that encourages the development
of ADUs that are rented on the local housing market to residents of unincorporated Seminole
192 County. The County adopts the view of the Florida Legislature as stated in Section 163.31771,
Florida Statutes, pertaining to the need to encourage the permitting of ADUs in single family
194 residential areas in order to increase the availability of affordable rentals for extremely-low-
income, very-low-income, low-income, or moderate-income persons.

196 (B) On any lot or parcel containing an ADU, either the principal
dwelling or the ADU shall be occupied by the owner of the property. ADUs shall not be subdivided
198 or otherwise conveyed into separate ownership from the principal dwelling. ADUs shall be rented
or leased for a minimum period of thirty (30) days.

200 (C) An existing home may be utilized as an ADU upon construction of
an additional unit at least two hundred eighty-five percent (285%) of the size of the original unit.

202 Except as authorized under Section 5.19(b), an existing structure to be converted to an ADU may
be no larger than 1,000 square feet.

204 (D) The provisions of this Section permitting ADUs do not authorize
persons to violate applicable restrictive covenants or homeowner association rules and regulations.
206 The County does not police or enforce private restrictive covenants or homeowner association
rules and regulations. Persons obtaining approval for ADUs are solely responsible for compliance
208 with all applicable restrictive covenants and homeowner association rules and regulations.

(E) ADUs shall not be permitted in association with nonconforming
210 residential development in the Industrial, Commercial, Office, and Higher Intensity Planned
Development (HIP) future land use designations.

212 (F) The Board of Adjustment shall not consider variances related to
ADU size, or minimum area and width of any lot where an ADU is proposed.

214 (G) A minimum of one (1) off-street parking space shall be provided for
the ADU, located on the same lot or parcel and served by the same driveway as the principal
216 dwelling unit. This space shall be paved or covered with a stabilized surface acceptable to the
County Engineer. No ADU parking space shall be located within a required buffer or setback area,
218 or to the rear of the unit.

(H) Impact Fees.

220 (i) If used for affordable rental purposes, impact fees for an
ADU shall be waived or reduced as dictated by the adopted Impact Fee Rates/Schedule. An
222 application for a building permit to construct an affordable rental must include an affidavit from
the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-
224 income, very-low-income, low-income, or moderate-income person or persons. Seminole County

will require deed restrictions or other agreements as necessary to ensure that the ADU is used for
226 affordable housing purposes.

(ii) If an ADU is not used for affordable rental purposes or the
228 application does not include an affidavit which attests to the ADU as an affordable rental, impact
fees will be assessed as dictated in the Seminole County Impact Fee Rate Schedule.

230 (2) Accessory Dwelling Units in A-3, A-5 and A-10.

(A) ADUs in A-3, A-5, and A-10 shall be permitted by right subject to
232 requirements stated in Section 30.102(k).

(B) A manufactured home, as defined in Section 2.3, may be permitted
234 as an ADU on property where the principal structure is also a manufactured home.

(C) The moving hitch, wheels, axles, and transporting lights shall be
236 removed from a manufactured dwelling unit and skirting shall be placed around the base, in
compliance with any regulations of the National Flood Insurance Program, to ensure neighborhood
238 compatibility.

(3) Accessory Dwelling Units in Other Districts.

(A) ADUs shall be permitted in all R-1 districts, RC-1, and A-1, subject
240 to administrative approval by the Planning & Development Division Manager. In addition, ADUs
242 shall be permitted in the PD zoning district, subject to administrative approval by the Planning &
Development Division Manager, on lots designated for single family residential use, having a
244 minimum lot area of 5,000 square feet and fifty (50) feet in width.

(B) An ADU shall be architecturally compatible with the principal
246 dwelling unit and subject to the same building code requirements. The following criteria shall be
met, as applicable:

248 (i) The ADU must have a complementary appearance to that of
the principal structure. This may be achieved through use of the same natural materials used to
 250 construct the primary structure such as wood, stone, and/or manufactured products such as brick,
stucco, or decorative concrete block. Also, architectural elements such as awnings, parapets,
 252 decorative molding, and windows may be utilized to create compatibility and consistency between
the appearance of the principal dwelling unit and an ADU.

254 (ii) Building elevations shall be provided for review prior to
issuance of permits.

256 (C) Impervious coverage for any lot or parcel wherein an ADU is
constructed shall not exceed the following limits:

<u>Zoning District</u>	<u>Maximum Impervious Coverage*</u>
<u>RC-1, A-1</u>	<u>30%</u>
<u>R-1BB</u>	<u>65%</u>
<u>R-1B</u>	<u>60%</u>
<u>R-1</u>	<u>50%</u>
<u>R-1A</u>	<u>40%</u>
<u>R-1AA</u>	<u>40%</u>
<u>R-1AAA</u>	<u>40%</u>
<u>R-1AAAA</u>	<u>30%</u>
<u>PD</u>	<u>**</u>
<u>*The per-lot impervious coverage provided for by the approved Master Stormwater Management System Design (excludes Planned Developments).</u>	
<u>**The per-lot impervious coverage provided for by the approved Master Stormwater Management System Design for the Planned Development.</u>	

258 * * *

Section 7. Conflicts. This Ordinance controls over any previously adopted County
 260 ordinances or parts of ordinances in conflict with this Ordinance.

Section 8. Codification. It is the intention of the Board of County Commissioners that
262 the provisions of this Ordinance will become and be made a part of the Land Development Code
of Seminole County, and that the word “ordinance” may be changed to “section”, “article”, or
264 other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-
lettered to accomplish such intention, except that Sections 7, 8, 9 and 10 of this Ordinance are not
266 to be codified.

Section 9. Severability. If any provision or application of this Ordinance to any person
268 or circumstance is held invalid, then it is the intent of the Board of County Commissioners that
such invalidity will not affect other provisions or applications of this Ordinance that can be given
270 effect without the invalid provision or application and, to this end, the provisions of this Ordinance
are declared severable.

Section 10. Effective date. This Ordinance will take effect upon filing a copy of this
272 Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

FIRST READING, this 27th day of October, 2020.

UPON SECOND READING, BE IT ORDAINED by the Board of County
276 Commissioners of Seminole County, this _____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

LEE CONSTANTIN, Chairman

PHC/sjs
3/9/21
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ORDINANCE NO. 2020-_____

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE FURTHER AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN, PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTES; AMENDING THE INTRODUCTION, CAPITAL IMPROVEMENTS, FUTURE LAND USE, AND HOUSING ELEMENTS TO DEFINE, PROVIDE STANDARDS FOR, AND PERMIT ACCESSORY DWELLING UNITS ON RESIDENTIAL PROPERTIES; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 08-44 which adopted the Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Section 163.3184, Florida Statutes, in order to further amend certain provisions of the Plan as set forth in this Ordinance relating to a Large Scale Text Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on October 7, 2020, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendments set forth in this Ordinance; and

WHEREAS, the Board of County Commissioners held Public Hearings on October 27, 2020 and _____, 2020 with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendments set forth in this Ordinance; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and in compliance with the requirements of Sections 163.3177, 163.3180, and 163.3191, Florida Statutes, with the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, and with the principles for guiding development in designated areas of state and regional importance, with Section 187.201, Florida Statutes, and with Part III of Chapter 369, Florida Statutes, where applicable; and

WHEREAS, the Plan amendments set forth in this Ordinance have been reviewed by the required State Reviewing Agencies and comments prepared by those Reviewing Agencies have been considered by the Board of County Commissioners; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of each Text Amendment enacted by this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Recitals/Legislative findings. The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.

Section 2. Amendment to County Comprehensive Plan Text. The text of the Plan is hereby amended as set forth in Exhibit A (attached to this Ordinance and incorporated by this reference) as described in the following table.

Ord. Exhibit	Seminole County Amendment Number	Amended Element And Exhibits	LPA Hearing Date	BCC Hearing Dates
A	2020.TXT	Introduction Element, Capital Improvement Element Future Land Use Element, Housing Element	October 7, 2020	Transmittal October 27, 2020 Adoption , 2020

Section 3. Severability. If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. Exclusion from County Code/Codification.

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance will not be codified into the Seminole County Code, but that the Code Codifier will have liberal authority to codify this Ordinance as a separate document or as part of the Comprehensive Plan of Seminole County in accordance with prior directions given to the Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, to reflect these amendments.

Section 5. Effective Date.

(a) In accordance with Sections 125.66 and 163.3184 of the Florida statutes, a certified copy of this Ordinance will be provided to the Florida Department of State and the State Land Planning Agency, respectively.

(b) This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; but the effective date of

the Plan amendments set forth in this Ordinance, if the amendment is not challenged in a timely manner, will be no earlier than thirty-one (31) days after the date the State Land Planning Agency notifies the County that the Plan amendment package is complete. If challenged within the appropriate time period, this amendment will become effective on the date the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits or land uses dependent upon this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the State Land Planning Agency.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this _____ day of _____, 20____.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

JAY ZEMBOWER, Chairman

Attachment:
Exhibit A

PHC/sjs
11/3/20
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EXHIBIT A

INTRODUCTION ELEMENT

ACCESSORY DWELLING

~~A dwelling unit attached to or included within a principal dwelling unit, or located on the same lot and having an independent means of access.~~

DWELLING UNIT, ACCESSORY (ADU)

A dwelling unit, subordinate in size to the principal dwelling unit, which is attached to a principal unit, or located on the same lot, and having an independent means of entry. There shall be a maximum of one (1) accessory dwelling unit per single family lot or parcel.

DWELLING UNIT, PRINCIPAL

The larger of the two dwelling units on a lot or parcel wherein an accessory dwelling unit (ADU) is located. Where an ADU is proposed as new construction, the principal dwelling unit shall be constructed prior to or concurrently with an accessory unit.

CAPITAL IMPROVEMENTS ELEMENT

OBJECTIVE CIE 3 LOS AND DEVELOPMENT AND REDEVELOPMENT APPROVALS

By adoption and implementation of the Seminole County Comprehensive Plan, land use decisions shall require maintenance of adopted level of service standards and mobility strategies, and shall be coordinated with the Capital Improvements Element and public facility elements including the adopted schedule of capital improvements.

Policy CIE 3.8 Accessory Dwelling Units (ADUs)

As regulated under this Comprehensive Plan and the Land Development Code, ADUs shall be considered to have negligible impacts on available capacities of all public facilities, and shall not be counted toward maximum permitted densities under any applicable future land use designation. This policy shall be re-evaluated at two (2) year intervals to determine whether revisions are required to maintain adopted Levels of Service.

FUTURE LAND USE ELEMENT

OBJECTIVE FLU 5 FUTURE LAND USE MAP FOUNDATION: GROWTH MANAGEMENT POLICIES FOR COMPATIBILITY, MIXED USE AND HIGH INTENSITY TARGET AREA DEVELOPMENT; PREVENTION OF URBAN SPRAWL; SUPPORT OF CENTRAL FLORIDA REGIONAL GROWTH VISION; PERFORMANCE STANDARDS FOR REDEVELOPMENT, AND INFILL

DEVELOPMENT; COMMUNITIES FOR ALL AGES, INCOMES, AND ABILITIES; AND SUPPORT FOR MULTIMODAL MOBILITY INCLUDING PUBLIC TRANSIT

The County shall continue to develop and enforce innovative planning techniques and land development regulations designed to support the Central Florida Regional Growth Vision by protecting residential neighborhoods as distinct, attractive and safe places to live; by allowing residents to “age in place” through a range of housing types, attainable by households of varying needs and income levels; enhancing the economic viability of the community as a part of the diverse, globally competitive regional economy; promoting the efficient use of infrastructure and providing for a multimodal Mobility Strategy that includes a variety of transportation choices; and preserving natural resources including public transit where feasible; open space, recreational areas, agricultural/rural areas, water resources and regionally significant natural areas. The Future Land Use Map series embodies strategies designed to build long term community value, discourage urban sprawl and ensure that public facilities and services are provided in the most cost-effective and efficient manner.

Policy FLU 5.18 Accessory Dwelling Units (Generally)

- A. Accessory dwelling units (ADUs) shall be limited to one (1) per single family home, on lots having a minimum width of 50 feet and minimum lot area of 5,000 square feet. ADUs shall be associated with single family detached units only.
- B. ADUs in Agriculture (A-1), Country Homes (RC-1), and Single Family zoning districts, as well as Planned Developments permitting single family development, shall be administratively approved by the Planning & Development Division Manager, subject to specific performance criteria which shall be adopted into the Land Development Code. These may include, but are not limited to, neighborhood compatibility, adequate lot size, and off-street parking.
- C. ADUs shall not be permitted in association with nonconforming residential development in the Industrial, Commercial, and Office future land use designations.

Policy FLU 5.19 Accessory Dwelling Units (East Rural Area)

Accessory Dwelling Units in the Rural-3, Rural-5, and Rural-10 future land use designations shall be permitted by right but shall be subject to applicable Land Development Code regulations such as building height and setbacks.

HOUSING ELEMENT

OBJECTIVE HSG 12 COMMUNITIES FOR DIVERSE POPULATIONS

The County shall support the capability of residents of all ages, incomes, and abilities to remain in their neighborhoods by allowing a greater variety of housing unit types, where they can be safely and adequately served by public facilities and services, and where neighborhood character can be preserved.

Policy HSG 12.1 Accessory Dwelling Units ADUs

Consistent with Policy FLU 5.18, the County shall amend its Land Development Code as necessary to permit ADUs within new and existing single family developments. Approval of ADUs shall be subject to conditions including, but not limited to, neighborhood compatibility, adequate lot size, and off-street parking.

**Seminole County
ECONOMIC IMPACT ANALYSIS
Accessory Dwelling Units**

Date:	3/23/21	Department/Division:	Development Services/ Planning & Development Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Amendments to the Land Development Code and Comprehensive Plan		
Topic:	Accessory Dwelling Units		

Describe Project/Proposal

The proposed amendments to the Seminole County Comprehensive Plan and Land Development Code would permit Accessory Dwelling Units (ADUs) in A-1, RC-1, all R-1 zoning districts, and existing residential Planned Developments. The amendments would allow a homeowner to establish a second living unit as an accessory use on the same parcel of land, either as an apartment or freestanding structure, in most single family neighborhoods.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

Adoption of the amendments would result in the need for a review process whereby the Planning & Development Division determines whether a proposed ADU meets applicable regulations. Application fees would potentially offset administrative costs, depending on the level at which they are set.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

The amendments potentially create an economic benefit to the affected property owners by generating a source of rental revenue. They may also provide opportunities for low-cost housing for elderly persons or other small households.

Identify Any Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

The amendments have the potential to generate some additional revenues for the County based on the following:

- a) Application fees and other fees associated with construction permitting; and
- b) Increased tax revenues from higher property values.

**Seminole County
PRIVATE PROPERTY RIGHTS ANALYSIS*
Accessory Dwelling Units**

Date:	3/23/21	Department/Division:	Development Services/ Planning & Development Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Amendments to the Land Development Code and Comprehensive Plan		
Topic:	Accessory Dwelling Units		

Describe Project/Proposal

The proposed amendments to the Seminole County Comprehensive Plan and Land Development Code would permit Accessory Dwelling Units (ADUs) in A-1, RC-1, all R-1 zoning districts, and existing residential Planned Developments. The amendments would allow a homeowner to establish a second living unit as an accessory use on the same parcel of land, either as an apartment or freestanding structure, in most single family neighborhoods.

Estimated Economic Impact on Individuals, Businesses, or Government

Economic impacts associated with the proposed amendments should be positive, providing interested homeowners with a potential source of rental income. Also, there would be increased affordable housing opportunities for the elderly and other small households.

Anticipated New, Increased or Decreased Revenues

The amendments may generate additional revenues for the County through application and building permit fees generated by the ADU administrative review and building permit processes.

Method Used in Determining Analysis

The method of analysis involved the potential impacts from adopting the proposed amendments to the Seminole County Land Development Code, and professional expertise.

Citation

Seminole County Comprehensive Plan

***Note:**

Existing development rights with respect to the types of permitted uses are based on future land use designations of the Seminole County Comprehensive Plan and zoning classifications of the Land Development Code. Aside from the requirements discussed herein, no changes in development rights will be created by this ordinance.

Seminole County recognizes that it has the responsibility and duty to both insure that public facilities are available concurrent with the impacts of development and to protect private property rights, which have vested in owners of parcels of real property.

Policy FLU 17.1, Private Property Rights Act, of the Seminole County Comprehensive Plan states: "The County shall fully implement the provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act (Section 1, Chapter 95-181, Laws of Florida). Each staff recommendation relative to any land use decision shall consider the provisions of that Act and other general principles of law relating to the appropriate regulation of land without said regulation resulting in the taking of private property rights."

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028**

MINUTES

**WEDNESDAY, OCTOBER 7, 2020
6:00 P.M.**

***** THIS MEETING WAS HELD IN BOARD CHAMBERS AND BY
ZOOM VIRTUAL MEETING*****

Accessory Dwelling Units Comprehensive Plan Text Amendment and Land Development Code Amendment – Consider an Ordinance amending the Introduction, Capital Improvements, Future Land Use, and Housing Elements of the Seminole County Comprehensive Plan; and an Ordinance amending Chapters 2, 5, and 30 of the Seminole County Land Development Code; to permit accessory dwelling units on certain residential properties; Countywide (Jeff Hopper, Project Manager).

Jeff Hopper, Principal Planner, presented this item as stated in the Staff report. He further stated that this item is to propose amendments to the Seminole County Land Development Code and Comprehensive Plan to provide regulations for Accessory Dwelling Units (ADU's) within unincorporated areas of the County. An accessory dwelling unit is an independent living unit that can be part of a larger home or a freestanding structure on the same property. Accessory units are recognized as a way of creating affordable housing for smaller households, single parents, and seniors. Benefits of ADU's include allowing residents to age in place, giving homeowners an opportunity for additional income, and increasing the availability of housing while making use of existing public services such as roads, water and sewer. Currently, the Code allows ADU's only in the A-3, A-5, and A-10 Zoning Districts in the East Rural Area. The proposed amendments would also allow them, with administrative approval by the Planning Manager, in the A-1, RC-1, and Single Family Residential Zoning Districts R-1 through R-1AAAA. ADU's could also be approved in existing single family residential Planned Developments. The proposed regulations would permit an ADU to have a full kitchen and it would set requirements for setbacks and parking. An ADU would have to be architecturally compatible with the principal dwelling unit. The property owner would be required to occupy either the principal unit or the accessory unit. ADU's would not be permitted on lots less than 5,000 square feet in size and 50 feet in width. An accessory unit would be limited to 35 percent of the size of the principal unit, with an additional 10 percent potentially allowed by an Administrative Adjustment. In no case would an ADU exceed 1,100 square feet in size. Supporting text amendments to the Comprehensive

Plan include definitions and enabling language to allow these changes in the Land Development Code; and a new policy stating that ADU's will have a de minimis impact on public facilities, and will not count toward allowable density under the Future Land Use Designation for that property. Staff recommends approval of this request.

Commissioner Stephen Smith asked about the history and was this originally set-up more for a "mother-in-law" situation allowing for parents to live on property. Mr. Hopper responded that it is a common idea across the country and many requests come into the Planning office for a "mother-in-law" suite or a place for their kids to live. Currently, in the Single Family Residential districts it allows for an accessory building with plumbing and electricity, however it cannot have a kitchen. The proposed ADU amendment would include kitchen facilities.

Commissioner Smith asked if there would be push-back if they became rental units and everybody started building accessory buildings and renting them. Mr. Hopper responded that they have included a policy in the Comprehensive Plan that states they are assuming the impacts to be minimal and they would re-visit the situation in five years. If it turns out to be successful, they may have to look at formulas to include these units within the allowable density limits. For the time being, we're saying that we would allow them, but we won't make changes to the allowable densities.

Mary Moskowitz, Planning & Development Manager, stated that we reached out to other jurisdictions that do have Accessory Dwelling Units and most of the time the need is for their family, such as a "mother-in-law" situation or an adult child returning to live at home. One of the limiting factors is that there will not be a separate address or separate utilities, so that makes it difficult to rent out as a rental unit.

Public Comments included:

1. Nancy Harmon, Pioneer Way in Geneva, Florida, stated that she has concerns as stated by Commissioner Smith. She doesn't like the wait-and-see look and it seems that this phrase comes across a lot with development. She knows that Code Enforcement does not have enforcement and there's no way to stop someone from renting out a place in this situation. She is concerned with the language that states they could build a bigger home and she doesn't think that's the intent of an accessory dwelling at all, to leave the smaller home for the family member coming to stay. Overall, she has concerns with how this will be managed and utilized, with respect to the current density and size of the home. She is for the affordable housing aspect of this request. She would like her concerns to be considered as a part of the updates and changes to the amendment. There is a temporary mobile home dwelling down the street from them and every time they call, because it has been rented, they've been told by Code Enforcement that it was grandfathered-in as a family home. She feels more is needed in the document as to how it would be applied.
2. Joseph Humphries, Cardinal Point Cove in Sanford, Florida, stated that he agrees with the comments just made. He agrees with the concept, but he has concerns with the potential impact on density, which is a very hot topic in the County. He doesn't oppose the idea, but he thinks more work needs to be done on this proposal. He has

had similar experiences with Code Enforcement too. If there is no enforcement on all of the rules and regulations adopted, then we really have not accomplished anything.

Rebecca Hammock, Development Services Director, stated that regardless of whether somebody uses an existing home and builds a new home, but then switches the designation, an accessory dwelling unit is still limited to 1,000 square feet based on the proposed Ordinance. It would not be allowed for someone to change the designation of their existing 2,000 square foot home to an accessory dwelling unit, because it would exceed the 1,000 square foot cap. That would only come into play with a very small existing primary structure. Also, there is a provision in the proposed Ordinance that requires the owner of the property to live in one of the units; either the primary structure or in the accessory dwelling unit, which we believe will help mitigate any issues with rentals. They did research with the City of Orlando, who seems to have the most experience with this, and based on their Building Permits only 2 percent of their total residential permits are for accessory dwelling units. We are not anticipating that this would be very widely utilized and likely a very small percentage.

Vice Chairman Carissa Lawhun asked where this is coming from and what is the origin prompting this. Ms. Hammock responded that this is part of the Affordable/Attainable Housing Initiative that the County is doing and one of the policies within the Strategic Plan is to allow other forms of housing that can help meet the Affordable Housing need. However, accessory dwelling units aren't only for Affordable Housing, but rather only help address that need, as it can also be for additional income or for aging in place. This is something that has been discussed previously with the Board of County Commissioners.

Commissioner Kim Fogle asked that since there have been complaints with the lack of depth in it, when they drafted this Ordinance, does it mimic other Ordinances in the area with the same parameters. Ms. Hammock responded yes, we looked at other Ordinances for comparison and definitely mirrored ours with other Ordinances within Florida.

Ms. Hammock stated that she heard the concerns with AirBnB and vacation rentals, however language was included that these requests could not be considered as vacation rentals, but only for long term rentals being 30 days or more. Vacation rentals are defined as less than 30 days.

A motion was made by Commissioner Kim Fogle, seconded by Commissioner Bob Turnage to approve and refer the Accessory Dwelling Units Comprehensive Plan Text Amendment and Land Development Code Amendment to the Board of County Commissioners.

Ayes 5: Vice Chair Carissa Lawhun, Commissioner Kim Fogle, Commissioner Walter Grundorf, Commissioner Stephen Smith and Commissioner Bob Turnage

Absent 2: Chairman Richard Jerman and Commissioner Matt Brown

(end)

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

October 27, 2020

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held both in person and virtually, via Communications Media Technology (CMT) made permissible pursuant to the Governor's Executive Orders, at 9:30 a.m., on Tuesday, October 27, 2020, in Room 1028 of the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Attending in person:

Chairman Jay Zembower (District 2)
Vice Chairman Lee Constantine (District 3)
Commissioner Robert Dallari (District 1)
Commissioner Amy Lockhart (District 4)
County Manager Nicole Guillet
County Attorney Bryant Applegate
Clerk of Court and Comptroller Grant Maloy

Attending remotely:

Commissioner Brenda Carey (District 5)
Deputy Clerks Kyla Farrell, Terri Porter, and Chariti Colon

OPENING CEREMONIES

Pastor Preston Free, First Christian Church, Winter Park, gave the invocation.
Commissioner Dallari led the Pledge of Allegiance.

EMERGENCY MANAGEMENT UPDATE

Alan Harris, Office of Emergency Management, addressed the Board to report on the emergency management response to flooding and the COVID-19 pandemic.

Commissioner Lockhart stated they have previously talked about benchmarks and metrics and creating some type of color-coding system. The Commissioners received a copy of the White House Coronavirus Task Force Report, which contains benchmarks, metrics, and thresholds in a

DATE COMPLETED: January 19, 2021

DATE APPROVED: February 23, 2021

Agenda Item #69 – 2020-2277
Comp Plan and LDC Plan Amendments
Accessory Dwelling Units - Transmittal

Rebecca Hammock, Planning and Development Director, presented the item as outlined in the agenda memorandum. She advised the Planning and Zoning Commission recommends transmittal, and staff recommends approval as well.

Chairman Zembower stated his district is very rural and there are a lot of young families that have bought an older home on acreage, but the home on that tract is maybe 1,700 square feet. He has had many residents ask, as they raise their families and get further along in their careers, whether they can go to the back of their property, for example, and now build a 3,500 square foot home and abandon the small home for either a rental or a family member. Ms. Hammock responded that the ordinance is written that you can switch if you have a principal structure and then you want to build an accessory dwelling unit; however, whatever is designated as the accessory dwelling unit is still limited in size. It would still be limited to either 35% of the principal structure or 1,000 square feet, whichever is less. The Commissioner then asked how the architectural similarity is determined. Ms. Hammock explained that particular requirement is not applicable to the rural area; it is only applicable in the urban areas. The only change in the Comprehensive Plan and the Land Development Code related to ADUs in the rural area is the size limitations and putting the enabling language within the Comp Plan.

Upon inquiry by Commissioner Constantine, Ms. Hammock advised they are permitting ADUs in any single-family residential zoning district, and their smallest single-family residential zoning district is a 5,000-square-foot lot with a 50-foot minimum lot width. Commissioner Constantine noted they are all in support of this, but he is having a hard time imagining how they would put another dwelling unit on a 5,000-square-foot lot, which is so small already. He asked how they came to those numbers. Ms. Hammock responded they wrote the code so that the ADUs would be permitted in all the single-family residential zoning districts and that is the smallest lot size within their single-family district, which is R-1BB, which is defined in the code as a single-family residential district, although it is only allowed within their medium density residential future land use category. Based on the setbacks that are proposed within the ordinance, if it is a detached accessory dwelling unit, it is required to meet principal structure setbacks. Residents will be limited with the smaller lot sizes and it would be more difficult to have a detached accessory

structure, but they would also have the option of doing a second story addition onto a home for an accessory dwelling or doing a garage apartment, for instance.

Commissioner Constantine stated he does not want to do this where they have unintended consequences like people coming in for variances and BOA appeals. Ms. Hammock reminded that the size would need to be 35% of the primary structure or 1,000 square feet, whichever is less. In order to get up to 1,000 square feet, you would have around a 2,500-square-foot principal structure. She reiterated they would have to meet the principal structure's setbacks. On the smaller lots, it would be difficult to have a detached ADU.

Commissioner Carey commented if someone's house is that small and they cannot meet the setback requirements in the code, they just would not be able to do it. Commissioner Dallari said he understands, but he can see people coming in and asking for a variance on every one of them. Commissioner Lockhart stated she thinks that she read somewhere in the ordinance that variances were not going to be granted, that they could not apply for a variance. Ms. Hammock advised they wrote it so they could not apply for a variance for the size of the ADU, but they can apply for variances for setbacks. They wrote this based on prior feedback from the Board. They added language that allows a 10% administrative adjustment by the Director, which would bring it up to a maximum of 1,100 square feet. Ms. Hammock then spoke about drainage and stormwater per Chairman Zembower's request.

Commissioner Lockhart mentioned that this shall be reviewed about every five years and maybe there will be an indication initially that it should be sooner than that, but she also wants to make sure this is, in fact, reviewed when it should be. She added she would like to have some kind of tickler system for all their items that need to be reviewed. Chairman Zembower concurred and opined there should be some kind of cursory review annually to make sure they are still meeting state and federal guidelines. Ms. Guillet noted they do that for every legislative session; they monitor anything that might impact their regulations.

With regard to public participation, no one spoke in support or opposition, and public input was closed.

Motion by Commissioner Lockhart, seconded by Commissioner Carey, to transmit the proposed Ordinance enacting Comprehensive Plan Text Amendments to permit accessory dwelling units in the County's urban area to state and regional review agencies; and subject to final

approval, adoption of the Comprehensive Plan Text Amendments and the associated Ordinance enacting corresponding revisions to the Land Development Code.

Commissioner Constantine noted staff still has to look at some of the issues that were brought up today and bring back some additional information. Chairman Zembower concurred and added he would like to have some kind of assurance that they are not going to impact drainage or stormwater issues that may already exist. Commissioner Dallari added that is why he thinks variances for side-yard setbacks maybe should not be allowed because of drainage issues. Commissioner Carey thought they should get a legal opinion on that because she wouldn't want consequences that cause them to get sued either. Attorney Chipok stated they will research that.

Commissioner Lockhart stated they allow variances for additions to people's homes and she wants to make sure they carefully think through not allowing variances for the ADUs because people can get very creative about how to get what it is they want.

Districts 1, 2, 3, 4, and 5 voted AYE.

Deputy Clerk Terri Porter was replaced by Deputy Clerk Chariti Colon.

*Agenda Item #72 – 2020-2273
Old Chuluota Road Right-of-Way Vacate Resolution/
Cornerstone Church of Orlando, Inc., Applicant*

Joy Giles, Planning and Development Division, addressed the Board and advised staff is requesting this item be continued to a date uncertain in order to allow Leisure Services more time to evaluate the request to make sure that it is not in conflict with the Trail Master Plan that is currently being evaluated.

Ron Davidson, Cornerstone Church Deacon, Applicant, stated they are opposed to a continuation. They have worked on this project for close to three years, and they would like to get it moved forward as it is a hardship on them. Commissioner Lockhart advised if the Board does not continue it, she believes their only choice would be to vote it up or down. She asked Mr. Davidson if that is what he is asking at this point. Mr. Davidson responded the road has been abandoned for a long time. The County came to them with a request regarding potential drainage concerns in the future, and the church agreed to that request and signed the document. He is hoping the Board will not consider what staff is now presenting as a reason for delaying it. Mr. Davidson explained it's not something the church is going to build on. They have two lots that are separated



SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468

Public Hearing Notification Comprehensive Plan and LDC Amendments

Agenda Memorandum

File Number: 2021 - 2570

Title:

Public Notice Procedure Comprehensive Plan Text Amendment and Land Development Amendment - Consider an Ordinance amending the Implementation Element of the Seminole County Comprehensive Plan and an Ordinance amending Chapter 30 of the Land Development Code, to revise regulations applicable to Public Participation and Public Notice for Public Hearings; Countywide (**Dagmarie Segarra, Project Manager**)

Division:

Planning and Development

Contact/Phone Number:

Dagmarie Segarra 407-665-7383

Motion/Recommendation:

1. Transmit the proposed Ordinance enacting Comprehensive Plan text amendments on Public Participation and Public Notice for Public Hearings to State and regional review agencies; and, subject to final approval and adoption of the Comprehensive Plan Text Amendment, adopt the associated Ordinance enacting corresponding revisions to the Land Development Code; or
2. Deny transmittal of the proposed Ordinance enacting Comprehensive Plan text amendments on Public Participation and Public Notice for Public Hearings; and deny adoption of the associated Ordinance enacting corresponding revisions to the Land Development Code; or
3. Continue the request to a time and date certain.

Background:

At the request of the Board of County Commissioners, Development Services staff is