
PLANNING & ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission/Land Planning Agency recommended approval of the ordinance (5 to 0) at its meeting of November 6, 2002.

STAFF RECOMMENDATION:

Staff recommends approval of the attached ordinance.

Attachments: Matrix of changes

Spring, 2002 Land Development Code Update

Code: ~~strikeout means deletions~~
underline means additions

ORDINANCE NO. 2002-

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY AND THE SEMINOLE COUNTY CODE; PROVIDING FOR A PLANNING MANAGER; PROVIDING FOR PENALTIES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REFERENCES TO THE SEMINOLE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR RULES OF CONSTRUCTION; CLARIFYING REPORTING REQUIREMENTS; PROVIDING APPEAL PERIODS; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE SEMINOLE COUNTY PLANNING AND ZONING COMMISSION; PROVIDING FOR CONCURRENCY; PROVIDING FOR APPEALS; PROVIDING FOR AN OFFICIAL ZONING ATLAS; PROVIDING FOR THE BOARD OF ADJUSTMENT; PROVIDING FOR ZONING DISTRICTS; PROVIDING FOR TIME LIMITS; PROVIDING FOR ASSIGNMENT OF DUTIES; PROVIDING FOR INTERPRETATION OF THE CODE; PROVIDING FOR SPECIAL EXCEPTIONS IN A-10, A-5, A-3, A-1, RC-1, R-1, R-1B, R-1BB, R-1AAAA, R-1AAA, R-1AA, R-1A, R-2, R-3, R-3A, R-4, RM-1, RM-2, RM-3, PLI, OP, C-1, C-2 AND M-1 ZONING CLASSIFICATIONS; PROVIDING FOR SETBACK AND BUFFER REQUIREMENTS IN THE R-4 ZONING DISTRICT; PROVIDING FOR PERMITTED USES IN THE RM-3 ZONING DISTRICT; PROVIDING FOR PLANNED UNIT DEVELOPMENT TIME LIMITATIONS; PROVIDING FOR DEVELOPMENT STANDARDS FOR PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR LANDSCAPING AND BUFFER REQUIREMENTS, LANDSCAPED AREAS AND SITE PLAN APPROVAL IN THE OP ZONING DISTRICT; PROVIDING FOR SPECIAL RESTRICTIONS AND SPECIAL EXCEPTIONS IN THE CN, CS ZONING DISTRICT; PROVIDING FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE C-3 ZONING DISTRICT; PROVIDING FOR SPECIAL EXCEPTIONS AND GENERAL PROVISIONS IN THE M-1A ZONING DISTRICT; PROVIDING FOR LANDSCAPING AND BUFFER REQUIREMENTS IN M-2 ZONING DISTRICT; PROVIDING FOR LOCATION OF ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AREAS; PROVIDING FOR LOCATION OF SWIMMING POOLS AND POOL SCREEN ENCLOSURES; PROVIDING FOR LOCATION OF FENCES IN RESIDENTIAL DISTRICTS; PROVIDING FOR CARPORT/GARAGE/YARD SALES; PROVIDING FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING FOR GROUP HOMES, ASSISTED LIVING FACILITIES AND FAMILY DAY CARE FACILITIES; PROVING FOR CO-LOCATION OF COMMUNICATION TOWER ANTENNAS AND DELETING ANNUAL REPORT AND REQUIRED

SUBMITTED CHECKLIST FOR TOWERS; PROVIDING FOR MOBILE HOME/MANUFACTURED HOUSING SITING; PROVIDING FOR DOUBLE FRONTAGE LOTS IN SUBDIVISIONS; AMENDING SECTIONS 1.4, 1.7, 1.10, 1.11(e), 2.3 (ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS), 7.1, 7.2(10), 7.5, 7.6, 10.3(d), 10.5(j)(4) AND (j)(6), 20.12, 30.21, 30.22, 30.24(a) and (c), 30.41, 30.42(c), 30.43(b)(2), 30.45, 30.47, 30.48, 30.104, 30.124, 30.163, 30.183, 30.203, 30.223, 30.243, 30.263, 30.267, 30.302(c), 30.303, 30.323, 30.343, 30.444, 30.449, 30.468(d), 30.585, 30.664, 30.669, 30.670, 30.672, 30.703(e), 30.705, 30.723, 30.724(d), 30.727, 30.743, 30.763, 30.782, 30.783, 30.864, 30.868, 30.883, 30.907, 30.1345, 30.1345.1, 30.1350, 30.1351, 30.1353, 30.1356, 30.1356.1, 30.1368, 30.1371-30.1379, 30.1380, 30.1401(c)(2), AND 35.13(a), 35.64 OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; AMENDING SECTION 46.84 OF THE SEMINOLE COUNTY CODE; PROVIDING FOR CERTAIN LICENSE FEES TO BE ESTABLISHED BY RESOLUTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Economic Impact Statement relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Home Rule Charter; and

WHEREAS, the property rights impact analysis required by the Seminole County Comprehensive Plan has been accomplished; and

WHEREAS, the provisions of this Ordinance have been found to be consistent with the objectives, goals and policies of the Seminole County Comprehensive Plan,

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

Section 1. Current Planning Manager/Planning Manager.

Wherever in the Land Development Code there is a reference to the "Current Planning Manager" that term shall be changed to the "Planning Manager". Wherever in the Land Development Code there is a reference to the "Current Planning Division" that term shall be changed to the "Planning Division".

Section 2. PENALTIES. Section 1.4 of the Land Development Code is amended to read as follows:

1.4 Penalties.

The Violations of any of the terms or provisions of this Code, as same may exist or hereafter be amended, ~~shall constitute a~~ may be prosecuted in the same manner as misdemeanors and, upon conviction, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and ~~or~~ imprisonment. Each day such offense continues after written notice shall be deemed a separate offense. Nothing herein shall be construed to prohibit enforcement of the provisions of this Code by proceedings before the Code Enforcement Board.

Section 3. EFFECTIVE DATE. Section 1.7 of the Land Development Code is amended to read as follows:

1.7 Effective date.

The effective date of "The Land Development Code of Seminole County, Florida" as originally adopted is September 8, 1980. The effective date of amendments to this Code shall be the date specified in the ordinance adopting such amendments or, if no such date is specified, then the date that such ordinance becomes effective pursuant to state law.

Section 4. SEMINOLE COUNTY COMPREHENSIVE PLAN. Section 1.10 of the Land Development Code is amended to read as follows:

~~1.10—Effect of conflicts with~~ References to the **Seminole County Comprehensive Plan.**

~~(a) If there is any conflict between this Code or any other land development regulations within the Seminole County Comprehensive Plan, the provisions of the Seminole County Comprehensive Plan shall prevail.~~

~~(b) References to the Seminole County Comprehensive Plan in this Code shall mean the Seminole County Comprehensive Plan, as it may be amended from time to time.~~

Section 5. CONSTRUCTION. Sections 1.11(e) and (f) of the Land Development Code are created to read as follows:

Sec. 1.11 Construction.

(e) The historical notes in parenthesis and any references or editor's notes following sections of this Code are of no legal force or effect and are intended only to be an aid to the user.

(f) Any provision of this Code that imposes upon any county officer, official or employee a requirement to provide a report, review or evaluation to the Board of County Commissioners or any government official or agency, shall be deemed directory in nature. Any duty to comply with such a requirement shall run only to Seminole County and shall not be enforceable by or vest any rights in any other person or entity.

Section 6. APPEALS. Sections 1.12(d) of the Land Development Code is created to read as follows:

Sec. 1.12 Appeals

(d) Any appeal provided for by this Code must be filed within thirty (30) days of the occurrence of the action appealed, unless otherwise specified.

Section 7. DEFINITIONS. The following definitions in Section 2.3 of the Land Development Code are amended to read as follows:

Sec. 2.3 Definitions.

ADA compliant: In compliance with the American With Disabilities Act (42 U.S.C.A. Section 12101-12213, as amended.

Adult arcade:

Adult bookstore/adult video store: As defined in section 45.66, Seminole County Code.

~~(a) An establishment which, as its principal business purpose, sells or rents adult material or which offers adult materials for sale or rent as a significant portion of its stock and trade.~~

~~(b) Any establishment in which any one (1) of the following five (5) elements occur shall be presumed to be an adult bookstore/adult video store:~~

~~(1) That the adult material is accessible to customers; "accessible to customers" means that the item can be physically touched, picked up, handled by a customer before being transferred from the control of a worker, or is visually displayed so that an adult or child present in the store can view substantially more than its name alone; or~~

~~(2) That the individual items of adult material offered for sale and/or rental comprise more than twenty five (25) percent of the unused individual items publicly displayed at the establishment as stock in trade in the following categories: books, magazines, periodicals, other printed matter slides, photographs, films, motion pictures, videotapes, compact disks, computer digital graphic recordings, other visual~~

~~representations, audio recordings and other audio matter, and more than twenty-five (25) percent of the total used items publicly displayed at the establishments as stock in trade in each of the same categories set out above; or~~

~~(3) The gross income each month from the sale and rental of adult material comprises more than ten (10) percent of that month's gross income from the sale and rental of the goods and material at the establishment; or~~

~~(4) The floor area used to display adult material comprises no more than ten (10) percent of the floor area used for display of all goods and material at the establishment; or~~

~~(5) The establishment uses any of the following terms in advertisements or any other promotional activities relating to the adult material: "XXX," "XX," "X," or any series of the letter "X," whether or not interspersed with other letters, figures or characters; "erotic" or deviations of that word; "adult entertainment" "adult books", "adult videos" or similar phrases; "sexual acts" or similar phrases; "nude" or "nudies" or similar phrases which letters, words or phrases a reasonable person would believe to be promotional of the purchase or rental of adult material.~~

~~(c) In recognition of the provisions of Sections 847.013 and 847.0133, Florida Statutes, which protects minors from exposure to obscene material, any business which is an adult bookstore/adult video store shall have in place at each entrance to such business a sign, no greater than one (1) square foot in size, stating "Persons under 18 years of age not permitted"; provided, however, that this provision shall not be construed to require admission of minors into said establishments or businesses.~~

~~Adult booth: A separate enclosure inside an adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth or arcade, or other booth used to view "adult material." The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a rest room.~~

Adult entertainment:

~~(a) — The display or exposure of any specified anatomical area by a worker to a customer regardless of whether the worker actually engages in performing or dancing or where workers wear or display to a customer any covering, tape, pastie, or other device which simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas regardless of whether the worker actually engages in performing or dancing.~~

~~(b) — Providing adult material for commercial or pecuniary gain.~~

~~(c) — The offering, soliciting or contracting to dance or perform by a worker with or for a customer with the acceptance of any consideration, tip, remuneration or compensation from or on behalf of that customer~~

~~(d) — The dancing or performing by a worker with or within three (3) feet of a customer with the acceptance of any consideration, tip, remuneration, or compensation from or on behalf of that customer.~~

Adult entertainment establishment: As defined in section 46.66, Seminole County Code. ~~An adult performance establishment, adult bookstore/adult video store, adult motel, or adult theater as these terms are defined herein, which is operated for~~

~~commercial or pecuniary gain. An establishment with an adult entertainment license shall be presumed to be an adult entertainment establishment.~~

~~**Adult material:** One (1) or more of the following, regardless of whether it is new or used:~~

~~(a) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videotapes, video cassettes, slides, computer digital graphic recordings, or other visual representations, tape recordings, disks or other audio matter, which have as their primary or dominant theme matters depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or~~

~~(b) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities, excluding bona fide birth control devices.~~

~~**Adult model:** Any person who, for commercial or pecuniary gain, compensation or tips, offers, suggests, or agrees to engage in a private performance, modeling, or display of male or female lingerie, bathing suits, undergarments, or the display of specified anatomical areas to the view of a customer when conducted at an adult performance establishment or any location wherein the customer and adult model are not in the presence of another person or persons.~~

~~**Adult modeling or display establishment:**~~

~~**Adult motel:** Any motel, hotel, boardinghouse, rooming house or similar commercial establishment which offers accommodations to the public for any form of consideration whose advertisements or business name includes the word "adult" or which advertises to the public outside of the premises of the establishment and visible~~

~~from a public right-of-way the presentation of closed-circuit television transmissions, films motion pictures, video tapes, video cassettes, slides or other photographic reproductions, which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. The term "adult motel" is included within the definition of "adult theater."~~

Adult performance establishment:

~~(a) Any establishment where any worker:~~

~~(1) Engages in a private performance, acts as an adult model, or displays or exposes any specified anatomical areas to a customer, regardless of whether the worker engages in dancing or any particular activity; or~~

~~(2) Wears and displays to a customer any covering, tape, pastie, or other device which simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas, regardless of whether the worker actually engages in performing or dancing; or~~

~~(3) Offers, solicits, or contracts to dance or perform with or for a customer and accepts any consideration, tip, remuneration or compensation from or on behalf of that customer; or~~

~~(4) Dances or performs with or within three (3) feet of a customer and accepts any consideration, tip, remuneration, or compensation from or on behalf of that customer.~~

~~(b) A bona fide private club whose membership as a whole engages in social nudism or naturalism as in a nudist resort or camp and at which specified sexual activities do not occur shall be presumed not to be an adult performance establishment.~~

~~(c) It is an affirmative defense to an alleged violation of this Code regarding operating an adult performance establishment without a license if the alleged violator demonstrates that the predominant business or attraction of the establishment is not offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and the establishment and its advertising is not distinguished by an emphasis on or the promotion of matters or persons depicting, describing, displaying, exposing, simulating or relating to specified sexual activities or specified anatomical areas.~~

~~**Adult theater:** An establishment which consists of an enclosed building, or a portion or part of an enclosed building, or an open air area used for viewing by persons of films, motion pictures, video cassettes slides, or other photographic reproductions which have as their primary or dominant theme, matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. "Adult motels," and "adult booths" are included within the definition of "adult theater."~~

~~**Adult video store:** See "adult bookstore."~~

~~**Assisted living facility:** As defined in section 400.402(6), Florida Statutes (2001).~~

~~**Bus shelter:** A structure located on a concrete pad in the public right-of-way or immediately adjacent to the public right-of-way that is designed for the protection and/or convenience of bus passengers. The term transit shelter is synonymous with bus shelter.~~

~~**Commercial bodily contact:**~~

~~(a) The manipulation, washing, scrubbing, stroking, or touching, for commercial or pecuniary gain, of the body of another person directly, or indirectly through a medium or using any object, instrument, substance, or device between a worker and a customer.~~

~~(b) The following persons engaged in the bona fide performance of the following activities shall not be deemed to be engaging in commercial bodily contact for the purposes of this ordinance when they are engaged in the bona fide practice of their occupation or profession:~~

~~—— (1) Persons licensed as a massage therapist or apprentice massage therapist pursuant to Chapter 480, Florida Statutes, when providing massage services in an establishment licensed under Chapter 480, Florida Statutes.~~

~~—— (2) Persons licensed under the laws of the State of Florida to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry.~~

~~—— (3) Persons licensed under the laws of the State of Florida as a physician's assistant or nurse.~~

~~—— (4) Persons holding a drugless practitioner's certificate under the laws of the State of Florida.~~

~~—— (5) Persons licensed as barbers or cosmetologists under the laws of the State of Florida.~~

~~—— (6) Persons performing authorized services in a hospital, nursing home, sanitarium, adult congregate living facility, group home, day care center, or similar place of business when owned and operated in accordance with the laws of the State of Florida.~~

~~(7) Persons who are instructors, coaches, or athletic trainers employed by, or on behalf of, any professional, amateur, Olympic, or similar athletic team engaging in bona fide athletic events, or when employed by a governmental entity or a bona fide educational institution.~~

~~(8) Persons licensed as physical therapists under the laws of the State of Florida.~~

~~**Commercial bodily contact establishment:** Any establishment, business, or place operated for commercial or pecuniary gain or where for any form of consideration workers or customers engage in commercial bodily contact or any establishment, business or place any portion of which is set aside, advertised, promoted or used as a place where commercial bodily contact occurs or which is described or depicted as a "body scrub salon," "body wash salon," or "body relaxation salon."~~

~~**Commercial establishment:** Any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial or pecuniary gain.~~

~~**Commercial or pecuniary gain:** Operated for commercial or pecuniary gain shall be presumed for any establishment which has received occupational license. For the purposes of this ordinance, operation for commercial or pecuniary gain shall not depend on actual profit or loss. An establishment which has an occupational license or an establishment which advertises itself as a type of adult entertainment establishment shall be presumed to be "operated for commercial or pecuniary gain."~~

~~**Community residential homes:** As defined in section 419.001(1)(a), Florida Statutes (2001). A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services (HRS) which provides a living environment for~~

~~unrelated residents who operate as the functional equivalent of a family including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents.~~

~~**Conditional use:** A use allowed in a zoning district only after a special exception has been granted by the board of adjustment.~~

~~**Customer:**~~

~~(a) — Any person present at an adult entertainment establishment or sexually oriented business, other than operators or workers, regardless of whether the person has given or paid any consideration to be present at the adult entertainment establishment or sexually oriented business and regardless of whether the person has paid any money for goods or services at or to the adult entertainment establishment or sexually oriented business.~~

~~(b) — Any person, excluding a worker or operator, who has paid, or has offered, agreed, been solicited, or had someone else offer or agree on that person's behalf to pay any consideration, fee, or tip to an operator or worker of an adult entertainment establishment or sexually oriented business.~~

~~**Development permit:** Includes A an arbor permit, a building permit, a construction permit-site, a construction permit-subdivision, a deck and porch permit, a plumbing permit, a razing permit, a septic repair permit, a septic tank permit, a sign permit and any other development approval other than a final development order or preliminary development order.~~

~~**Due public notice/Public notice:** Means notification to the public of the time and place of each public hearing as required by State and local law. In the event of~~

conflict between State and local law, the law which affords greater due process shall control.

~~Escort: Any person who, for commercial or pecuniary gain, compensation or tips, agrees to, offers to go, or goes to any place, including, but not limited to, a business, hotel, motel, residence, boat, vessel, motor vehicle, or conveyance to do any of the following acts:~~

- ~~(a) — Act as a companion or date for or, or converse with a customer;~~
- ~~(b) — Engage in commercial bodily contact with another person;~~
- ~~(c) — Engage in a private performance;~~
- ~~(d) — Engage in adult modeling or act as an adult model;~~
- ~~(e) — Display specified anatomical areas, strip naked, or go topless; or~~
- ~~(f) — Engage in any specified sexual activity.~~

~~Nothing in this definition shall be construed to legalize prostitution or other conduct prohibited by this Code or other law. Workers of a licensed adult performance establishment for whom worker records are maintained pursuant to Ordinance Number 97-28, as amended by this chapter, are excluded from the definition of escort when engaged in the expressive display of specified anatomical areas at a licensed adult performance establishment.~~

~~An escort who is a paid employee type worker of an escort service for whom taxes and social security payments are withheld and paid by the escort service, and who is not an independent contractor, is not required to obtain his or her own sexually oriented business license for activities conducted pursuant to employment with the escort service.~~

Escort service:

~~(a) Definition. A person, business, establishment, or place operated for commercial or pecuniary gain, which advertises as an "escort," "escort service" or "escort agency" or otherwise offers or advertises that it can furnish escorts, a private performance, or adult models; or offers or actually provides, arranges, dispatches, or refers workers or themselves to act as an escort or engage in a private performance for a customer. An escort service is subject to the provisions of Ordinance Number 97-28, as amended by this chapter, if it conducts any business including, but not limited to, advertising in Seminole County, receiving calls from workers or customers in Seminole County, calling workers or customers from Seminole County, or providing services to a customer in Seminole County.~~

~~(b) Defense. A bona fide dating or matching service which arranges social matches or dates for two (2) persons who each wish to meet a compatible companion when neither of said persons solicits, accepts, or receives any financial gain or any monetary tip, consideration, or compensation for the meeting or date is not an escort service.~~

~~**Establishment:** Any place, site, or premises, or portion thereof, upon which any person, corporation, or business conducts activities or operations for commercial or pecuniary gain including, but not limited to, any place, site or premises from where an escort service dispatches or refers workers to other locations or at which an escort service receives business calls from customers.~~

~~Family day care home: As defined in section 402.302(7), Florida Statutes (2001).~~

Home Office: An office, where permitted by Chapter 30, Land Development Code, that is used in an incidental manner at a residence located on property assigned a residential zoning classification. A home office may be used only by immediate family members actually living on a full time basis at the residence in which the office is located. Incidental use means that the home office involves the use of computers, telephones, facsimile machines, other equipment, and storage of supplies and products that is are typically used in a business, but is are also typical in terms of residential use. If a residence is used as a home office, signage, deliveries that are not typical for a residential use and commercial meetings with customers, clients, patients or similar persons are prohibited. An average daily trip count for any five-day period exceeding the average for a residential use, as determined by the Institute of Transportation Engineers in its most current manuals, shall result in the conclusive presumption that the home office use is not consistent with the use authorized by this Code as a home office.

Kiosk: A freestanding structure where display advertisements, temporary information and/or posters, notices and announcements are posted. Kiosks with display advertisements may only be placed, constructed or located in conjunction with a bus shelter subject to approval by the County.

Licensee: Any person, corporation, partnership, or other entity whose application for an adult entertainment establishment or sexually oriented business license has been granted and any person, corporation, partnership or other entity, who owns or operates or controls the establishment or business.

Master plan: For the purposes of ~~conditional~~ special exception uses proposed on properties assigned the A-1 zoning classification, the term means a conceptual plan of development indicating the general conceptual plans for the development proposed. The requirement for submission of a master plan is not intended to require the applicant to submit a detailed site plan as set forth in this Code. The master plan shall depict, at a minimum, the property boundaries and dimensions, adjacent roadways, limits of wetlands, flood plains and waterbodies, proposed land uses and setbacks, legal description, north arrow and scale, name and address of the person(s) preparing the plan, square footage of proposed buildings, location of access roadways and a brief description of the project including, if applicable and necessary for the purposes of review by the County, any planned phasing of the proposed development.

~~**Operator:** Any person who engages in or performs any activity which is necessary to or which facilitates the operation of a sexually oriented business or an adult entertainment establishment including, but not limited to, the licensee, manager, owner, doorman, bouncer, bartender, disc jockey, sales clerk, ticket taker, movie projectionist, dispatcher, receptionist, attendant or supervisor.~~

~~**Private performance:** Modeling, posing, or the display or exposure of any specified anatomical area by a worker to a customer while the customer is in an area not accessible during such display to all other persons in the establishment or, while the customer or worker is in an area which is not on the premises of the establishment, is private or in which the customer or worker is totally or partially screened or partitioned during such display from the view of persons outside of the area.~~

~~Sexual encounter business:~~

~~(a) Any person or entity which for any form of consideration or remuneration or which charges an admission fee and provides a place for the purpose of providing, encouraging or allowing three (3) or more persons to engage in any specified sexual activity among themselves or with other persons.~~

~~(b) The following shall be presumed not to be a sexual encounter business:~~

~~(1) a bona fide private club whose membership as a whole engages in social nudism or naturalism as in a nudist resort or camp and at which specified sexual activities do not occur, (2) a state licensed sexual therapist, and (3) a bona fide hotel or motel licensed by the state.~~

Sexually oriented business: As defined in section 46.66, Seminole County Code. ~~A commercial bodily contact establishment, escort service, or sexual encounter business. A business shall be a sexually oriented business, whether services are provided on the premises of an establishment or on an out call basis at any other place and regardless of whether such business is licensed under Ordinance Number 97-28 as amended by this ordinance. A business with a sexually oriented business license shall be presumed to be a sexually oriented business. An individual operating a sexually oriented business is subject to the provisions of Ordinance Number 97-28, as amended by this ordinance, notwithstanding the fact that services are being provided at or from a residence, motor vehicle, vessel or any other location and a license pursuant to Ordinance Number 97-28, as amended by this ordinance, is required unless the individual is a paid employee from whom taxes and social security payments are~~

~~withdrawn and paid by the licensed establishment, worker records are maintained and the individual is not an independent contractor.~~

~~Special exception: A use that is permitted would not be appropriate generally or without restriction throughout the within a particular zoning district or classification but only upon a determination by the Board of Adjustment (or the Board of County Commissioners, in the event of an appeal from the Board of Adjustment) that the use meets the criteria specified in section 30.43(b)(2) of this Code and any additional criteria contained in the Code section authorizing such a use in a particular zoning district or classification. which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, comfort, good order, appearance, convenience, prosperity, morals, and the general welfare. Such uses may be permitted in such zoning district or classifications as conditional uses, if specific provision for such conditional use is made in the Zoning Ordinance.~~

~~Specified anatomical areas: As defined in section 45.66, Seminole County Code.~~

~~(a) Any of the following in a state that is less than completely and opaquely covered:~~

~~(1) The male or female genitals¹;~~

~~(2) The male or female pubic area²;~~

~~(3) The vulva³;~~

~~(4) The anus⁴;~~

~~(5) The penis⁵;~~

~~(6) The scotum⁶~~

~~(7) The cleavage of the buttocks;~~

~~(8) The buttocks;~~

~~(9) The anal⁷~~

~~(10) The anal cleavage;~~

~~(11) The areola⁸ on the breast⁹ of a female;~~

~~(12) The nipple¹⁰ of the breast of a female;~~

~~(13) The female breast below a line immediately above the top of the areola said line running horizontal across the top of the entire breast, but shall not include any portion of the cleavage between the human female breasts typically exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed;~~

~~(14) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

~~(b) Body paint, body dyes, tattoos, liquid latex whether wet or dried, dental floss, G-Strings, thongs, and similar coverings shall not be considered an opaque covering.~~

~~¹Genitals, genitalia — Organs of the reproductive system, especially the external organs.~~

~~²Pubic area — (1) Pubes, the pubic region; the anterior region of the innominate bone covered by pubic hair; or pubis. (2) Pubic pertaining to the pubes. (3) Pubis, pubic bone,~~

~~or the innominate bone. ³Vulva — External female genitalia, including the mons pubis, labia majora and minora, clitoris and vestibule of the vagina. ⁴Anus — Outlet of the rectum leading from the bowel. ⁵Penis — The male organ for urination and copulation, a~~

~~pendulous structure that is suspended from the front and the sides of the pubic arch.~~

~~6Scrotum – The external double pouch that contains the testicles. 7Anal – A ring, pertaining to the rectal opening; near the anus. 8Areola – The colored circle surrounding the nipple of the female breast. 9Breasts – The upper anterior aspects of the chest of a woman; mammary glands. 10Nipple – Mammilla papilla, a protuberance from the mammary gland from which the lactiferous ducts discharge milk in the female.~~
~~Note – Source of footnotes below is The New Websters Medical Dictionary (Bolander, 1991). The definitions of terms set forth in the footnotes are a material part of this ordinance and apply to the use of the term each time it is used in Ordinance Number 97-28 as amended by this ordinance.~~

~~Specified criminal act:~~

- ~~_____ (a) – A violation of this ordinance,~~
- ~~_____ (b) – Any felony not otherwise specified in this definition;~~
- ~~_____ (c) – An offense under Chapter 794, Florida Statutes (Sexual Battery);~~
- ~~_____ (d) – An offense under Chapter 796, Florida Statutes (Prostitution);~~
- ~~_____ (e) – An offense under Chapter 800, Florida Statutes (Lewdness; Indecent Exposure);~~
- ~~_____ (f) – An offense under Chapter 826, Florida Statutes (Bigamy; Incest);~~
- ~~_____ (g) – An offense under Chapter 847, Florida Statutes (Obscene Literature; Profanity); or~~
- ~~_____ (h) – An offense against an analogous Federal statute or the statutes of a state other than Florida, or an analogous ordinance of another county or city.~~

Specified sexual activities: As defined in section 46.66, Seminole County Code.

- ~~(a) Human genitals in a state of sexual stimulation, arousal or tumescence; or~~
- ~~(b) Acts of human anilingus¹¹, bestiality¹², buggery¹³, cunnilingus¹⁴, coprophagy¹⁵, coprophilia¹⁶, fellatio¹⁷, flagellation¹⁸, masochism¹⁹, masturbation²⁰, necrophilia²¹, pederasty²², pedophilia²³, sadism²⁴, sadomasochism²⁵, sapphism²⁶, sexual intercourse²⁷, sodomy²⁸, urolagnia²⁹ or zoerasty³⁰; or~~
- ~~(c) Fondling or other touching of human genitals, pubic region, any part of the buttocks, anus or female breast; or~~
- ~~(d) Oral, anal, or vaginal penetration by, or union with, the sexual organ or any other part of the body of another;~~
- ~~(e) Anal or vaginal penetration of another or oneself with any object; or~~
- ~~(f) The handling or fondling of the sexual organ of another for the purpose of masturbation directly or through a medium; or~~
- ~~(g) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (f).~~

~~11Anilingus Oral stimulation of the anus by the use of the tongue or lips. 12Bestiality (1) Use of animals for sexual enjoyment or any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, penis or vagina of the other. 13Buggery Sodomy. 14Cunnilingus Sexual activity in which the mouth and tongue are used to stimulate the female genitalia. 15Coprophagy The eating of excrement. 16Coprophilia An abnormal interest in feces. 17Fellatio Oral stimulation of the penis. 18Flagellation Whipping or a massage by strokes which is a form of~~

~~sexual aberration in which the libido is stimulated by whipping oneself, being whipped, or whipping someone else. 19Masochism—Sexual excitement by being humiliated or hurt by another or a sexual perversion in which one takes delight in being dominated, even to the extent of violence or cruelty, by another person. 20Masturbation—Stimulation of genitals or other erogenous areas by some means other than sexual intercourse, such as a hand or object. 21Necrophilia—Sexual intercourse with a dead body. 22Pederasty—Anal intercourse between a man and a young boy. 23Pedophilia—Fondling of children or any other sexual relations with a child. 24Sadism—Sexual pleasure derived from inflicting mental or physical pain on others. 25 Sadomasochism—Sexual pleasure related to sadism and masochism. 26Sapphism—Lesbianism, i.e., the unnatural sexual relationship between women such as cunnilingus, anilingus, masturbation, etc. 27Sexual intercourse—Sexual union between a man and a woman by insertion of the penis into the vagina. 28Sodomy—Anal intercourse. 29Urolagnia—Sexual excitation associated with urination (e.g., watching another person urinate or having another person urinate on one's own body.) 30Zooerasty—Bestiality.~~

~~Note—The sources for the footnotes above are (1) Taber's Cyclopedic Medical Dictionary, T.A. Davis Co., Philadelphia, 1997 (ed. 18); (2) Oxford Dictionary of the English Language (multi-volume); (3) Florida Statutes. The definitions of terms set forth in the footnotes are a material part of Ordinance Number 97-28, as amended by this Ordinance, and apply to the use of the term each time it is used.~~

Straddle dance:

~~(a)—The use by a worker of any part of his or her body to touch the genital or pubic area of another person, or the touching of the genital or pubic area of any worker~~

~~by another person; or the straddling of the legs of a worker over any part of the body of a customer at the establishment, regardless of whether there is a touch or touching; or the use by a worker, of any part of his or her body to touch the genital, pubic region, buttock, anus or female breast of another person while at the establishment, or the touching of the genital, pubic region, buttock, anus or female breast of any worker by a customer while at the establishment.~~

~~(b) Conduct shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the worker is displaying or exposing any specified anatomical area.~~

~~(c) Conduct shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium.~~

~~(d) The terms "lap dance," "table dance" and "face dance" are included within the term straddle dance."~~

~~**Variance:** (Applicable to Part 51, Chapter 30) A grant of relief from the requirements of Part 51, Chapter 30, which permits construction in a manner otherwise prohibited by Part 51, Chapter 30, where specific enforcement would result in unnecessary hardship.~~

~~**Worker:** A person who works, performs, or provides services at an adult entertainment establishment or at or for a sexually oriented business, irrespective of whether said person is paid a salary or wage and shall include, but is not limited to, employees, independent contractors, subcontractors, lessees, or sub-lessees who work or perform at an adult entertainment establishment or at or for a sexually oriented business. An operator is a type of worker.~~

Section 8. SEMINOLE COUNTY PLANNING AND ZONING COMMISSION.

Sections 7.1, 7.2(10), 7.5 and 7.6 of the Land Development Code are amended to read as follows:

Sec. 7.1 Designated.

Pursuant to, and in accordance with, section 163.3174, Florida Statutes, the Seminole County Planning and Zoning Commission is hereby designated to act as and be the local land planning agency and the land development regulation commission for the unincorporated territories of the county. Said agency shall be known and referred to as the "Seminole County Land Planning Agency."

Sec. 7.2 Duties and responsibilities.

(10) ~~Do all other things required by the board of county commissioners with respect to the comprehensive plan.~~ Review proposed land development regulations and amendments thereto and make recommendations to the Board of County Commissioners as to the consistency of the proposals with the Seminole County Comprehensive Plan.

Sec. 7.5 ~~Organization;~~ Rules and procedures.

~~The initial and subsequent members of the Seminole County Land Planning Agency shall be the present members of the planning and zoning commission, whose terms shall expire at the end of the period for which they were appointed. At the expiration of the term of each of the members of the Seminole County Planning and Zoning Commission, the next succeeding term of office for each member appointed by the board of county commissioners shall be for four (4) years. Any vacancy in the membership of the planning and zoning commission shall be filled for the unexpired~~

~~portion of the term in the same manner as appointments for a full term. At the first public meeting held by Tthe Seminole County Land Planning Agency, the agency shall set establish rules and procedures and choose its own officers. The Board of County Commissioners may establish policies and rules of procedure for the Seminole County Land Planning Agency by a ~~subsequent~~ resolution or ordinance. The Seminole County Land Planning Agency shall conduct its activities in accordance with the public participation provisions of the 1994 Seminole County Comprehensive Plan as it may be amended.~~

~~Sec. 7.6 Public meetings and records.~~

~~All meetings of the Seminole County Land Planning Agency shall be open to the public and all records of such agency shall be public records.~~

Section 9. CONCURRENCY. Sections 10.3(d), 10.5(j)(4) and 10.5(j)(6) of the Land Development Code are amended to read as follows:

Sec. 10.3. Concurrency; general provisions.

~~(d) A concurrency management system policy and procedures manual shall be developed by the planning and development director to describe and explain to the public and interested persons or entities the process, procedures and requirements that must be followed by applicants for new development for concurrency review and to outline the procedures to be followed by the county to maintain the concurrency management system.~~

Sec. 10.5. Concurrency review procedures, concurrency management system and certificates of concurrency.

(j) The county shall use standard demand estimates data as follows:

(4) Solid waste.

~~(A) Between April 1, 1992 through December 22, 1992, the following factors (pounds per capita per day "ped" or pounds per employee per day "ped"):~~

~~Landfill:~~

~~residential . . . 3.13 ped~~

~~non-residential . . . 2.01 ped~~

~~Transfer Station:~~

~~residential . . . 3.01 ped~~

~~non-residential . . . 1.93 ped~~

~~(B) After December 22, 1992, the factors shall be those level of service standards set forth in the 1991 Comprehensive Plan, as amended;~~

The solid waste contribution factors specified in the Solid Waste element of the Vision 2020 Comprehensive Plan, as amended.

(6) Mass transit. The translation of the overall per capita level of service standard into demand factors set forth in the Mass Transit element of the 1991 Comprehensive Plan, as amended.

~~(A) Between April 1, 1992 through December 22, 1992, the following factors (expressed in annual revenue miles):~~

~~Single family 1.5219 per dwelling unit~~

~~Multi-Family 1.1255 per dwelling unit~~

~~Hotel/Motel 1.3162 per room~~

~~Retail 3.1164 per employee=~~

~~Non-Retail — .4266 per employee~~

(B) ~~After December 22, 1992, the factors shall be these level of service standards set forth in the 1991 Comprehensive Plan, as amended.~~

Section 10. APPEALS. Section 20.12 of the Land Development Code is amended to read as follows:

Sec. 20.12. Appeals.

Except as provided for in section 163.3215, Florida Statutes, Any person claiming to be aggrieved by a decision of the ~~p~~Planning and ~~d~~Development ~~d~~Director may file a written appeal within thirty (30) days with the ~~current~~ planning division to have the application reviewed by the Board of County Commissioners. The appeal shall state fully the specific grounds for the appeal and all of the facts relied upon by the petitioner. The Board of County Commissioners shall consider only those items specified in the petition.

Section 11. PART 2. ESTABLISHMENT OF DISTRICTS, DISTRICT BOUNDARIES ON ZONING MAP AND RESTRICTIONS ON LAND, WATER, BUILDING AND

STRUCTURE. Section 30.21 and 30.22 of the Land Development Code is amended to read as follows:

Sec. 30.21. Establishment of districts. In order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings, and to regulate the intensity of land use, all the unincorporated area of Seminole County, Florida, is classified into one of the following districts:

A-1	Agriculture District
A-3	Rural 3 District

A-5	Rural 5 District
A-10	Rural 10 District
RC-1	Country Homes District
R-1	Single-Family Dwelling District
R-1B	Single-Family Dwelling District
R-1BB	Single-Family Dwelling District
R-1A	Single-Family Dwelling District
R-1AA	Single-Family Dwelling District
R-1AAA	Single-Family Dwelling District
R-1AAAA	Single-Family Dwelling District
R-2	One- and Two-Family Dwelling District
R-3	Multi-Family Dwelling District
R-3A	Multi-Family Dwelling District
R-4	Multi-Family Dwelling District
<u>R-AH</u>	<u>Affordable Housing Dwelling District</u>
RM-1	Single-Family Mobile Home District
RM-2	Single-Family Mobile Home Park District
RM-3	Travel Trailer Park District
PUD	Planned Unit Development District
PCD	Planned Commercial Development District
UC	University Community District
PL1	Public Lands and Institutions
RP	Residential Professional District
OP	Office District
CN	Restricted Neighborhood Commercial District
C-1	Retail Commercial District
C-2	Retail Commercial District
C-3	General Commercial and Wholesale District
CS	Convenience Commercial District
M-1A	Very Light Industrial District
M-1	Industrial District
<u>M-2</u>	<u>Impact –general Industrial District</u>

Sec. 30.22. Definitions of groupings of various districts.

(a) Where the phrases "all residential districts," "residential districts," "zoned residentially," or "residentially zoned," or phraseology of similar intent, are used in these zoning regulations, the phrases shall be construed to include the following districts:

R-1	Single-Family Dwelling District
R-1A	Single-Family Dwelling District
R-1AA	Single-Family Dwelling District
R-1AAA	Single-Family Dwelling District
R-1AAAA	Single-Family Dwelling District

R-2	One- and Two-Family Dwelling District
R-3	Multi-Family Dwelling District
R-3A	Multi-Family Dwelling District
R-4	Multi-Family Dwelling District
R-AH	Affordable Housing Dwelling District
RM-1	Single-Family Mobile Home District
RM-2	Single-Family Mobile Home Park District
RM-3	Travel Trailer Park District
PUD	Planned Unit Development District
RP	Residential Professional District

(b) Where the phrases "Commercial District," "zoned commercially," "commercially zoned," "commercial zoning," or phraseology of similar intent, are used in these Zoning Regulations, the phrases shall be construed to include:

CN	Restricted Neighborhood Commercial District
C-1	Retail Commercial District
C-2	Retail Commercial District
C-3	General Commercial and Wholesale District
CS	Convenience Commercial District

(c) Where the phrases "industrial districts," "zoned industrially," "industrially zoned," "industrial zoning," or phraseology of similar intent, are used in these Zoning Regulations, the phrases shall be construed to include:

C-3	General Commercial and Wholesale District
M-1A	Very Light Industrial District
M-1	Industrial District
M-2	Impact –general Industrial District

Section 12. OFFICIAL ZONING ATLAS. Sections 30.24 (a) and (c) of the Land Development Code are amended to read as follows:

Sec. 30.24. Official zoning atlas.

~~(a) Each page of the Official Zoning Atlas shall be identified by the signature of the current Planning Manager under the following words:~~

~~"This is to certify that this is page _____ of the Official Zoning Atlas referred to and adopted by the County of Seminole, Florida, _____, A.D., 1920 _____."~~

~~(b) (a) Boundaries. The boundaries of each district shall be shown on the Official Zoning Atlas and the district symbol used in Section 30 of this Code, shall be used to designate each district.~~

~~(b) Changes in district boundaries. If, in accordance with the provisions of these Zoning Regulations and applicable provisions of Florida law changes are made in district boundaries or other matters portrayed on the Official Zoning Atlas, changes shall be entered promptly on the appropriate digital zoning map of the Official Zoning Atlas after the amendment has been approved by the Board of County Commissioners, with an entry on the appropriate page of the Official Zoning Atlas as follows:~~

~~On _____, A.D., 1920 _____, by Ordinance Resolution No. _____ of the County of Seminole, the Official Zoning Atlas was changed as shown on this page." Notwithstanding to these Zoning Regulations which involve the portrayed on the Official Zoning Atlas shall become effective until such change and entry has been made on the Official Zoning Atlas in the manner herein set out, such change shall be made within two (2) working days after the date of adoption of the amendment.~~

~~(c) Unauthorized change prohibited. No change shall be made on the Official Zoning Atlas, or any matter shown thereon, except conformity with the procedures set out in these Zoning Regulations. A. Authorized change of~~

whatever kind by any person or persons shall be considered a violation of these Zoning Regulations and punishable as provided by Section 4 of this Code

(e) (d) *Final authority as to zoning.* Regardless of the existence of purported copies of all or part of the "Official Zoning Atlas", which may from time to time be made published, the "Official Zoning Atlas" which shall be located in the office of the "County Clerk", shall be the final authority as to the current zoning status of all lands and waters in the unincorporated area of the county

Correction of Errors. Whenever the Planning Manager or his designee, discover that, through a bona fide draftsman or scrivener's error in the reproduction process, the Official Zoning Atlas therein does not agree with the latest enacted ordinance related thereto, he/she shall correct the Official Zoning Atlas to accurately reflect the proper zoning status of all land thereon by entering the correction on the appropriate digital zoning map. The Planning Manager or his/her designee may make such a correction without action by the Board of County Commissioners being required.

(f) *Retention of earlier zoning maps or atlases.* All zoning maps or atlases or remaining portions thereof which have had the force and effect of official zoning maps or atlases for the County of Seminole prior to the effective date of adoption of these Zoning Regulations shall be retained as public record and as guide to the zoning status of lands and waters prior to such date. Upon the date of adoption of these Zoning Regulations the historical "Official Zoning Atlas" of that date shall be microfilmed, photographed or computer imaged and such filmed-record copy retained permanently in place separate from the original atlas

(g) *Replacement of Official Zoning Atlas.* If the official zoning atlas, ~~or any page or portion thereof,~~ becomes damaged, lost, destroyed, or difficult to interpret by reason of the nature or number of changes, the ~~Board of~~ County commissioners may, by resolution, adopt a new Official Zoning Atlas, ~~or any page or pages thereof,~~ which shall supersede the prior Official Zoning Atlas. ~~, or page or pages thereof.~~ The new Official Zoning Atlas, ~~or page or pages thereof,~~ may correct drafting or other errors or omissions in the prior Official Zoning Atlas, ~~or page or pages thereof,~~ but no such correction shall have the effect of amending the original official zoning atlas. ~~, or page or pages thereof.~~

~~—— If, in the process of adopting a replacement official zoning atlas, or any page or pages thereof, district boundaries are changed or altered, then action in regard to such change of district boundaries shall be taken only in the form of an amendment to these Zoning Regulations.~~

~~—— The new official zoning atlas, or page or portion thereof, shall be authenticated, as for the original, with wording to the following effect:~~

~~—— "This is to certify that this official zoning atlas (or page or pages thereof) replaced the Official Zoning Atlas (or page or pages thereof) adopted _____, A.D., 19_____, as part of Ordinance (or Resolution) No. _____ of the County of Seminole, Florida."~~

~~—— Unless the prior official zoning atlas has been lost or has been totally destroyed, the prior atlas, or any significant parts thereof remaining, shall be preserved as a public record together with all available records pertaining to its adoption or amendment.~~

Section 13. PLANNING AND ZONING COMMISSION. Section 30.41 of the Land Development Code is amended to read as follows:

Sec. 30.41. Planning and zoning commission.

(a) The Board of County Commissioners of Seminole County shall appoint a commission of seven (7) qualified electors of Seminole County to be known as the Planning and Zoning Commission. Said members shall be appointed for four (4) year terms and not more than a minority of the terms of such members shall expire in any one (1) year.

(b) The Board of County Commissioners may, from time to time, amend or supplement the county's land development regulations and zoning classifications. Proposed changes may be recommended by the Planning and Zoning Commission. Additionally, any owner of affected property may make application for a change in the property's zoning classification on a form prescribed by the current planning office; provided, however, that the applicant shall assume all of the costs of any public hearings and all other costs incidental to the holding of a public hearing and the application.

(c) The Planning and Zoning Commission, regardless of the source of the proposal for change, shall hold a public hearing or hearings thereon, with due public notice, to consider the proposed change and submit in writing its recommendations on the proposed change to the Board of County Commissioners for official action.

(d) The Planning and Zoning Commission shall also constitute the county's land planning agency in accordance with Chapter 7 and have the duties and responsibilities set forth therein.

~~(e) The board of county commissioners shall hold a public hearing or hearings thereon in accordance with the requirements of state law.~~

Section 14. PLANNING MANAGER Section 30.42(of the Land Development Code is amended to read as follows

Sec. 30.42. ~~Current planning manager~~ Planning Manager.

~~The current planning manager~~ Planning Manager shall have the power to grant an act upon applications certain for a setback variances as to all in residential zoning classifications when the variance requested variance is equals to or is less than ten (0) percent of the required setback requirement; provided however that only one variance may be granted under this procedure. ~~If the~~ Planning Manager ~~current planning manager~~ denies an application for variance such denial may be appealed to the Board of Adjustment in accordance with the provisions of section 30.43(c)

Section 15. BOARD OF ADJUSTMENT. Section 30.43(b)(2) of the Land Development Code is amended to read as follows

Sec. 30.43. Board of adjustment.

~~Powers and duties~~ The board of adjustment shall have the following powers and duties:

~~pecial exceptions/conditional uses~~ T hear and decide only those special exceptions as the board of adjustment is specifically authorized to pass under the terms of this Code to decide such questions as are involved in determining when special exceptions should be granted; or denied or granted to grant special exceptions with appropriate conditions and safeguards; ~~or to deny special exceptions when not in harmony with the purpose and intent of this Code~~ After review of

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section authorizing the use in a particular zoning district or classification; and

(E) ~~In granting any special exception, the board shall find that~~
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44. No

~~"Due public notice" or "public notice", as used in connection with the phrase~~
~~"public hearing" or "hearings with due public notice" involves the following requirements:~~
~~Providing public notice of the time and place of each public hearing as required by state~~
~~law. If advertisement in a newspaper of general circulation is required, the~~
~~advertisement shall be published in the minimum number of newspapers required by~~
~~state law. If the a applies s required n regard lo~~

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however, that a reapplication fee may be charged by the ~~Current~~ Planning Manager in an amount not to exceed the amount of the original application fee. In the event the decision granting a special exception is reviewed by a court of competent jurisdiction, the applicant for the special exception may, prior to the expiration of the one (1) year period following the approval of the special exception, request that the Board of Adjustment or Board of County Commissioners toll the time remaining in the one (1) year period until the conclusion of litigation and such request shall be granted unless good cause is shown. When the use of land under a special exception has been discontinued or abandoned for one hundred eighty (180) days or longer, the future use of the land shall revert to the Permitted Uses in the district in which said land is located.

Section 18. ASSIGNMENT OF DUTIES. Section 30.47 of the Land Development Code is amended to read as follows:

Sec. 30.47. ~~Enforcement~~ Assignment of duties.

~~(a) Any violation of this Code shall be punishable in accordance with Section 125.66, Florida Statutes; subject to code enforcement proceedings; and subject to any and all other remedies available to the county under law.~~

~~(b)~~ The County Manager is hereby authorized to assign such duties and responsibilities to such staff members as he or she deems appropriate notwithstanding the assignment of duties set forth in this Code.

Section 19. INTERPRETATION OF CODE. Section 30.48 of the Land Development Code is amended to read as follows:

Sec. 30.48. Interpretation of Code.

~~In interpreting and applying the provisions of this chapter, they shall be construed to promote the public health, safety, morals, and general welfare of the community.~~ The provisions of this chapter shall operate independently upon property subject to the land development regulatory authority of Seminole County notwithstanding any private legal relationships between and among various landowners. Although landowners may have legal rights and obligations with regard to one another, the provisions of this chapter shall operate independently of such obligations, but not to repeal or rescind such legal rights and obligations.

Section 20. SPECIAL EXCEPTIONS—A-10, A-5, AND A-3 RURAL ZONING CLASSIFICATIONS. Section 30.104 of the Land Development Code is amended to read as follows:

Sec. 30.104 Special exceptions.

(a) The Board of Adjustment may permit any of the following uses upon making findings of fact, in addition to those required by section 30.43(b)(2) of this Code, that the use:

(1) Is consistent with the general zoning plan of the rural zoning classifications; and

~~(2) Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and~~

~~(3)~~ Is not highly intensive in nature; and.

~~(34)~~ Is compatible with the concept of low-density rural land use; and.

~~(5) Does not have an unduly adverse impact upon existing traffic patterns, movements or intensity; and.~~

(64) Has access to an adequate level of public services such as sewer, water, police, fire, schools and related services; and.

~~(7) Is consistent with the Seminole County Comprehensive Plan.~~

(b) The Board of Adjustment, in granting any of the following uses, may place such restrictions and conditions thereon as said Board shall, in its sound discretion, deem necessary to protect the character of the area or neighborhood and the public health, safety and welfare:

(1) Public and private middle schools and high schools.

(2) Public utility and service structures.

(3) Churches and their attendant educational and recreational buildings and off-street parking.

(4) Parks and recreational areas which are publicly owned and operated.

(5) Guest or tourist homes when located on state or federal highways.

(6) Community residential homes, provided that the location does not create an over-concentration of such homes or substantially alter the nature and character of the area, all as defined in section 419.001(3)(c), Florida Statutes (2001).

(7) Kennels (including the commercial raising or breeding of dogs).

(8) Country clubs, golf clubs, fishing clubs, fishing camps, marinas and gun clubs, when making use of the land with nominal impacts to natural resources as determined by the ~~Current planning manager~~ Planning Manager.

(9) Riding stables.

Mobile and manufactured homes in accordance with the siting standards of part 70, chapter 30 of the Land Development Code.

Temporary cemeteries for mobile homes which
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(a) The Board of Adjustment may permit any of the following uses upon making findings of fact, in addition to those required by section 30.43(b)(2) of this Code, that the

(1) Is consistent with the general zoning category and plan of A-1 Agriculture; and

~~(2) Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area or neighborhood; and~~

~~(3) Is not highly intensive in nature; and~~

~~(34) Is not incompatible with the concept of low-density, rural land use;~~

~~(5) Does not have an undue adverse effect on existing traffic patterns, movements, and volumes; and~~

~~(46) Has access (where applicable) to urban services such as sewage, water, police, fire, schools, and related services; and~~

~~(7) Is consistent with the Seminole County Comprehensive Plan.~~

(b) The Board of Adjustment, in granting any of the following uses may place such restrictions and conditions thereon as said Board shall, in its sound discretion, deem necessary to protect the character of the area or neighborhood and the public health, safety, and welfare.:

(1) Cemeteries and mausoleums.

(2) Kennels including the commercial raising or breeding of dogs.

(3) Hospitals, sanitariums and convalescent homes, veterinary clinics and assisted adult ~~congregate~~ living facilities and group homes when such facilities and

homes are approved and licensed by the ~~Florida State~~ of Florida ~~Department of Health and Rehabilitative Services.~~

(4) Public and private nursery schools, kindergartens, middle schools, high schools and colleges.

(5) Temporary asphalt plants for purpose of specific public road construction.

(6) Sawmills.

(7) Public utility and service structures.

(8) Fraternal clubs when chartered with the State.

(9) Country and golf clubs, fishing clubs, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, as determined by the ~~Current~~ Planning Manager.

Privately owned and operated recreational facilities open to the paying public, such as, athletic fields, stadiums, racetracks, and speedways if the use is located along a major roadway or has immediate accessibility thereto.

(11) Golf driving ranges.

Riding stables, provided that no structure housing animals is located nearer than one hundred (100) feet from a property line.

(13) Airplane landing fields and helicopter ports with accessory facilities for private or public use.

Commercial raising of swine (other than for family use).

Sewage disposal plants, water plants, and sanitary landfill operations.

(16) Off-street parking lots. When approved, said parking lots shall:

(A) Be provided with a durable, dust-free surface which is properly drained; and

(B) Be adequately buffered from adjacent properties and roadways by a landscape screen.

(17) (A) Farmworker housing; either single family or multifamily dwellings, where land use is for bona fide agriculture uses; provided further that such structures house only those persons and their immediate family or households, employed in carrying out such bona fide agricultural use. Mobile homes may be permitted in lieu of tenant dwellings, provided, however, that approval for mobile homes shall be limited to a time period not exceeding two (2) years after review and finding that the land is used for bona fide agricultural uses.

"Bona fide agriculture uses purpose," as used ~~herein~~ in this subsection, shall be determined by reference to the following criteria:

(i) ~~Is~~ Whether the parcel or its adjacent lands are being actually utilized in agricultural pursuits by the same owner?; and

(ii) ~~Does~~ Whether the requested tenant dwelling or mobile home serve a purpose directly, ~~and not indirectly~~, related to the agricultural laborers or employees and/or other ~~direct~~ agricultural purposes?;

(18) A mobile home may be permitted as a Special Exception on a lot or parcel of record subject to the following requirements:

Only one (1) single-family mobile home may be permitted.

~~A mobile home placed on a lot or parcel shall~~ It shall bear the Florida Standards Seal or acceptable equivalent.

~~An approved mobile home shall~~ It shall be subject to all applicable regulations of the zoning classification (i.e., setbacks, land uses.)

Where installation of a septic tank is proposed, an acceptable percolation and depth-of-water-table test shall be submitted at the time of application.

(E) If the proposed site is known to be flood prone, an acceptable plan shall be submitted at time of application which details steps to prevent hazard to health and property.

(F) An approved single-family mobile home shall be firmly anchored in accordance with all applicable codes and shall have skirting installed to screen the underside of the structure.

(19) Retail nurseries where the products for sale ~~are~~ are grown on site of sale.

(20) Organizations involved in either the slaughter of livestock, and meat cutting, and/or processing operations, but that do not engage in ~~with no~~ retail sales.

(21) ~~Adult congregate living facilities and~~ Community residential homes housing more than six (6) permanent unrelated residents (including group homes and foster care facilities), provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area, all as defined in section 419.001(3)(c), Florida Statutes (2001).

(22) Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm.

Communication towers.

Disposal of tree cuttings or similar organic materials by burning in which materials have been transported to the property.

Bed and Breakfast establishments ~~when~~ which are not located within a platted subdivision.

Section 22. SPECIAL EXCEPTIONS—RC-1 COUNTRY HOMES DISTRICT.

Section 30.163 of the Land Development Code is amended to read as follows.

Sec. 30.163 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

(a) The keeping of horses or ponies for the immediate use of the occupant and his guest.

(b) Public and private middle schools and high schools.

(c) Public utility and service structures.

(d) Churches with their attendant educational, recreational buildings, and off-street parking.

(e) Parks and recreational areas, publicly owned and operated.

(f) Assisted Adult-living facilities and community residential homes housing 7-14 ~~more than six (6)~~ permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section

conflict with the provisions of section 419.001(3)(c), Florida Statutes (2001), section 419.001(3)(c) shall govern.

(g) Communication towers.

Section 23. SPECIAL EXCEPTIONS—R-1, R-1B AND R-1BB SINGLE FAMILY DWELLING DISTRICTS. Section 30.183 of the Land Development Code is amended to read as follows:

Sec. 30.183 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

Any special exception permitted in the R-1A zoning classification.

Day nurseries or kindergartens.

Guest or tourist homes when located on state or federal highways.

Off-street parking facilities.

(e) Assisted Adult congregate living facilities and community residential homes housing 7-14 ~~more than six (6)~~ permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of section 419.001(3)(c), Florida Statutes (2001), section 419.001(3)(c) shall govern.

(f) Communication towers.

Section 4. ZONING DISTRICTS—R-1AAA, R-2A, R-3A AND R-4A

IN THE COUNTY OF DADE, FLORIDA

Section 30.203

Section 30.203 Special Use

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code.

Church with the attached recreational in and off-street parking

Public middle schools high schools

Parks recreational areas privately owned and operated

(d) Public utility and service tract

structures

(f) subdivision sewage treatment plants

toilet with exceeding ten (10) above the mean high water

(h) Off street parking facilities R-4A District only

Assisted Adult-congregate living facilities in residential zones

with 7-14 more than six (6) people related individuals including roommates

and motor vehicles provided that the location does not create a over-concentration of

such homes or substantially alter the nature and character of the area as defined in

section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this

section conflict with the provisions of section 419.001(3)(c), Florida Statutes (2001),

section 419.001(3)(c) shall govern

(j) Communication towers.

(k) Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the ~~Current~~ Planning Manager.

Section 25. SPECIAL EXCEPTIONS—R-2 ONE AND TWO FAMILY DWELLING DISTRICT. Section 30.223 of the Land Development Code is amended to read as follows:

Sec. 30.223. ~~Conditional uses~~ Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

Any ~~conditional~~ uses permitted by special exception in the R-1 Single-family Dwelling District.

Section 26. SPECIAL EXCEPTIONS—R-3 AND R-3A MULTIPLE FAMILY DWELLING DISTRICTS. Section 30.243 of the Land Development Code is amended to read as follows:

Sec. 30.243 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

- (a) Public and private middle schools and high schools.
- (b) Churches.
- (c) Personal service uses, if not approved at time of zoning.
- (d) Adult living facilities and group homes.
- (e) Communication towers

(f) Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the ~~Current~~ Planning Manager.

Section 27. SPECIAL EXCEPTIONS—R-4 MULTIPLE FAMILY DWELLING DISTRICT. Section 30.263 of the Land Development Code is amended to read as follows:

Sec. 30.263 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

- (a) Public and private middle schools and high schools.
- (b) Churches.
- (c) Water and sewer treatment plants.
- (d) Adult living facilities and group homes.
- (e) Hospital, sanitariums, convalescent and nursing homes.
- (f) Communication towers.

(g) Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the ~~Current~~ Planning Manager.

Section 28. SETBACK AND BUFFER REQUIREMENTS—R-4 MULTIPLE FAMILY DWELLING DISTRICT. Section 30.267 of the Land Development Code is amended to read as follows:

Sec. 30.267. Setback and buffer requirements adjacent to residential.

As defined in section 30.12321228 of the Land Development Code, Active/Passive buffer setback design standards.

Section 29. USES PERMITTED—RM-1 SINGLE FAMILY MOBILE HOME RESIDENTIAL DISTRICT. Section 30.302(c) of the Land Development Code is amended to read as follows:

Sec. 30.302 Uses permitted.

(c) Such accessory ~~units~~ uses as are customarily utilized by mobile home occupants. These shall include accessory storage buildings and carports. Such accessory buildings shall have no sanitary plumbing (i.e., kitchen sinks, commodes, bathtubs, showers, or kitchen facilities, but laundry tubs or washing machine connections are permitted). Screened porches or cabanas, provided they are attached to the mobile home; ~~and~~ Total additions to the living area shall be limited to equal square footage of the mobile home, but shall not exceed eight hundred (800) square feet. Other accessory uses shall not exceed five hundred (500) square feet.

Section 30. SPECIAL EXCEPTIONS—RM-1 SINGLE FAMILY MOBILE HOME RESIDENTIAL DISTRICT. Section 30.303 of the Land Development Code is amended to read as follows:

Sec. 30.303 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

Day nurseries or kindergartens.

Subdivision sewage treatment and water plant.

Parks and recreational areas publicly owned and operated.

Assisted Adult congregate living facilities and community residential homes housing 7-14 ~~more than six (6)~~ permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of section 419.001(3)(c), Florida Statutes (2001), section 419.001(3)(c) shall govern.

Public and private middle schools and high schools.

(f) Communication towers.

Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Current Planning Manager.

Section 31. SPECIAL EXCEPTIONS—RM-2 SINGLE FAMILY MOBILE HOME PARK DISTRICT. Section 30.323 of the Land Development Code is amended to read as follows:

Sec. 30.323 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

Assisted Adult congregate living facilities and community residential homes housing 7-14 ~~more than six (6)~~ permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this

section conflict with the provisions of section 419.001(3)(c), Florida Statutes (2001), section 419.001(3)(c) shall govern.

(b) Public and private middle schools and high schools.

(c) Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the ~~Current~~ Planning Manager.

Section 32. SPECIAL EXCEPTIONS—RM-3 TRAVEL TRAILER PARK AND CAMPSITES. Section 30.343 of the Land Development Code is amended to read as follows:

Sec. 30.343 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

(a) Public and private middle schools and high schools.

(b) Communication towers.

(c) Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the ~~Current~~ Planning Manager.

Section 33. GENERAL PROVISIONS AND EXCEPTIONS—RM-3 TRAVEL TRAILER PARK AND CAMPSITES. Section 30.344(d) through (l) of the Land Development Code are amended to read as follows:

Sec. 30.344. General provisions and exceptions.

(d) All requirements of the State Department of Health regarding sanitary standards are applicable pursuant to Chapter 513, Florida Statutes (2001). A

(i) The storage, collection, and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodentproof containers, twenty (20) gallons in size, which shall be located in accordance with state division of health requirements. Containers shall be provided in sufficient number and capacity to properly store all refuse.

The area parking area and campsite shall be maintained of litter and trash material. Facilities shall be provided for the equipment, tented or such as for fire fighting and fire equipment shall be provided for the use of the park. All facilities shall be maintained in good repair and their location shall be clearly marked.

Trail and campsite parks shall be maintained in accordance with the standards for day use campsites.

The area shall be maintained in accordance with the standards, which shall be not less than twenty percent, sufficient area for the use of the land area.

Trail and campsite parks shall be maintained in accordance with the standards, which shall be not less than twenty percent, sufficient area for the use of the land area.

Section 34 LAND DEVELOPMENT TIME LIMITATION:

30.44: The Land Development Code amended to read:

30.44 Planned development time limitation:

Planned development shall be defined as the area of the County Commission which begins within one year after the date of the

plan of the PUD, the approval of the planned unit development will be reviewed by the Planning and Zoning Commission to determine the appropriateness of the planned unit development zoning classification for the subject property. The Board of County Commissioners shall consider the recommendations of the Planning and Zoning Commission and shall move to rezone the property to a more appropriate zoning classification or shall extend the deadline for the start of ~~to undertaking~~ construction. If an extended deadline granted by the Board is not met, the foregoing procedures shall reapply. ~~These procedures shall also be followed when such extended deadlines are not met.~~

Section 35. DEVELOPMENT STANDARDS FOR PLANNED COMMERCIAL DEVELOPMENT. Section 30.468(d) of the Land Development Code is amended to read as follows:

Sec. 30.468. Development standards for planned commercial development.

The following standards are the minimum that apply as to any property assigned the PCD zoning classification. The Board of County Commissioners, in approving any PCD rezoning application, may impose more restrictive standards when necessary to protect the health, safety and welfare of the public or adjacent property owners:

(d) Open space requirements. ~~See Part 70, Chapter 30.~~ Notwithstanding the provisions of section 30.1344(c), the required open space ratio is twenty five per cent (25%) of the parcel.

Section 36. SPECIAL EXCEPTIONS—PLI PUBLIC LANDS AND INSTITUTIONS.

Section 30.585 of the Land Development Code is amended to read as follows:

Sec. 30.585. ~~Conditional uses~~ Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

- (a) Public cemeteries.
Public airports.
- (c) Public sewerage and water supply installations.
Public landfills
Public and quasi-public hospitals.
- (f) Solid waste transfer and recovery stations, warehouses, and storage facilities.

Disposal of materials by burning by a public or quasi-public entity or on lands owned by a public or quasi-public entity if which materials are have been transported to the property.

Section 37. SPECIAL EXCEPTIONS –OP OFFICE DISTRICT. Section 30.664 of the Land Development Code is amended to read as follows:

Sec. 30.664. ~~Conditional uses~~ Special exceptions.

~~(a) After review of an application and a public hearing thereon, with due public notice, t~~The board of adjustment may allow permit any of the ~~enumerated conditional~~ following uses specified in subsection (c) only upon making the following findings of fact, in addition to those required by section 30.43(b)(2), ~~a factual determination, spread upon the minutes of the board,~~ that the use requested:

~~(a) Factual determinations:~~

- (1) Is consistent with the general zoning category and plan of the OP Office District.

is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area or neighborhood.

(3) Not incompatible with the character of the area and its development.

Does not have an unduly adverse effect on existing traffic patterns, movements, and intensity.

Has access (where applicable to the service) to sewerage and telephone lines.

(6) Is consistent with the county's comprehensive land use plan.

(47) Will not create by reason of its characteristics a requirement of financial prerequisite that cannot be met by the applicant, especially (by way of illustration and not limitation) the applicant's inability to provide adequate access or parking for the proposed use.

Restrictions. The board of adjustment may place a special exception on any of the enumerated conditional uses, may place such restrictions and conditions thereon as the said Board may deem necessary to protect the character of the neighborhood, the public health, safety and welfare, and the public facilities and the public health, safety and welfare.

Conditional uses Special exceptions

Single family dwellings connected with a lot. When permitted the residence shall be above the office attached to the lot.

detached residence shall be permitted and no residence shall occupy ground-floor frontage.

Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted.

Public utility and service structures.

(4) Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet.

Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required.

Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required.

Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet.

Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet.

(9) Communication towers.

(d) Application for special exception ~~conditional use~~. An applicant for a special exception ~~conditional use~~ shall file with the current planning division a written application accompanied by payment of the appropriate fees, ~~as are adopted by the board of county commissioners by resolution. as part of the application, a development~~

~~plan shall be submitted, said plan to include~~ a simple development plan drawn to an appropriate scale indicating the legal description, lot area, site dimensions, right-of-way location and width, tentative parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for building, proposed points of access with tentative dimensions, locations of identification signs not on building, proposed location of existing easements, location of existing trees on-site and their common name, number of trees to be removed and retained as required by Seminole County Arbor Regulations, and a general plan for proposed landscaping.

Section 38. LANDSCAPING AND BUFFER REQUIREMENTS, LANDSCAPED AREAS AND SITE PLAN APPROVAL—OP OFFICE DISTRICT. Sections 30.669, 30.670 and 30.672 of the Land Development Code are amended to read as follows:

Sec. 30.669. Landscaping and buffer requirements.

See Section 30.12321228, Active/Passive buffer setback design standards.

Sec. 30.670. General provisions for all landscaped areas.

See Section 30.12286.

Sec. 30.672. Site plan approval.

At time of application for rezoning, a detailed site plan, ~~in accordance with Chapter 7, Article III,~~ shall be submitted covering total property to be rezoned. Any substantial change to said site plan must be reviewed by the Planning and Zoning Commission and approved by the Board of County Commissioners, prior to issuance of a building permit. In cases where a special exception has been approved by the Board of Adjustment, the site plan will not need to be resubmitted to the Planning and Zoning Commission and the Board of County Commissioners.

Section 39. SPECIAL RESTRICTIONS, SPECIAL EXCEPTIONS—CN RESTRICTED NEIGHBORHOOD COMMERCIAL DISTRICT. Sections 30.703(e) and 30.705 of the Land Development Code are amended to read as follows:

30.703. Special restrictions.

No outside amplification of sound shall be permitted which will carry to outside areas.

Sec. 30.705 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code

(a) Communication towers.

(b) Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.

Section 40. SPECIAL EXCEPTIONS, SPECIAL RESTRICTIONS, BUILDING SITE AREA REQUIREMENTS—CS CONVENIENCE COMMERCIAL DISTRICT.

Sections 30.723, 30.724(d) and 30.727 of the Land Development Code are amended to read as follows:

30.723 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

(a) Self service gasoline pumps as an accessory use to a convenience store.

(b) Communication towers.

Parking sem tractor tr carg trail box rui he
ed ha the agr al odu ts whe uch oducts re offi ed tai
from id trail he th ra ted ts the rhan/rui ho ry.
T ler mi be mobile nd sed on rim xchange ke trai

Sec. 30 724. Spec restr' tion

(d) No outside im lificatio of sou hal be permitte hich wil carry to utsid
reas

Sec 30 727. B Id site rea req re nts

All eq are shal available off-stre rking nd uff ryard eq im ts
contained in Part 64 of this Code

Sec 4' ECIAL EXC PTION: ----C' RETAIL COMM RCIAL DISTRICT

ect 743 he Lan De lopme Cod, am ed ad ow

Sec 30 743 Special xcep ns.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code:

Alcoholic be rage tab ishrments

Public itility tructures

asol imps as an accessory use

Li rters con nctioi with comm rcial use to be occupied by the
own operato of th bu ness or an employee

Hos nd in ome

(f) All commi cati towe hich not pe itted

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Sec 3('6: pecia excep

The Board of Adjustment may permit any of the fo owing uses upon making the findings of fact required by section 30.43(b)(2) of this Code

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(m) Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.

Section 43. ~~PERMITTED USES, SPECIAL EXCEPTIONS~~—C-3 GENERAL COMMERCIAL AND WHOLESALE DISTRICT. Section 30.783 of the Land Development Code is amended to read as follows:

Sec. 30.783 Special exceptions.

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by Section 30.43(b)(2) of this Code

(a) Living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee.

(b) Public utility structures.

(c) Service stations and gas pumps as an accessory use.

(d) Hospitals and nursing homes.

(e) Public elementary, middle and high schools.

(f) Communication towers when lattice or guyed in design.

(g) Communication towers when monopole in design if the tower is over one hundred forty (140) feet in height.

(h) Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.

(i) Flea Markets.

Section 44. SPECIAL EXCEPTIONS, GENERAL PROVISIONS—M-1A VERY LIGHT INDUSTRIAL DISTRICT. Sections 30.864 and 30.868 of the Land Development Code are amended to read as follows:

Sec. 30.864 ~~Conditional uses~~ (sSpecial exceptions).

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by Sec. 30.43(b)(2) of this code

~~When, after a review of an application and public hearing thereon, the Board of Adjustment finds, as fact, that the proposed use is consistent with the general zoning plan and with the public interest and not detrimental to the character of the neighborhood, other uses, including, but not limited to, the following uses may be permitted; however, such uses may be subjected to, or limited by, conditions of the Board of Adjustment.~~

Heliports and airports.

Recreational facilities provided by an employer within the district for the exclusive use of employees, their families, and guests.

(c) Public and private elementary schools, middle schools, and high schools.

Communication towers when lattice or guyed in design.

Communication towers when monopole in design if the tower is one hundred forty (140) feet or over in height.

Sec. 30.868. General provisions for all landscaped areas.

See Section 30.12286.

Section 45. SPECIAL EXCEPTIONS—M-1 INDUSTRIAL DISTRICT. Section 30.883 of the Land Development Code is amended to read as follows:

Sec. 30.883. Conditional uses (Special exceptions).

The Board of Adjustment may permit any of the following uses upon making the findings of fact required by section 30.43(b)(2) of this Code

~~When, after a review of an application and public hearing thereon, the board of adjustment finds, as a fact, that the proposed use is consistent with the general zoning plan and with the public interest, and not detrimental to the character of the neighborhood, other uses, including, but not limited to, the following uses may be permitted; providing, however, such uses may be subjected to or limited by conditions of the Board of Adjustment:~~

(a) Wholesale storage of gasoline, liquified petroleum, gas, oil, or other inflammable liquids or gases, provided they meet the regulations of N.F.P.A. and the Seminole County Building Code and, further, that all overhead storage tanks are diked.

(b) Fertilizer manufacturing.

(c) Stock yards or slaughter of animals.

(d) Storage or bailing of rags, iron, paper, or junk.

(e) Automobile wrecking lots, provided same are enclosed with a solid fence not less than six (6) feet in height; and, provided further, that no junkyards or automobile graveyards, as defined in section 339.241, Chapter 65-93, Laws of Florida Statutes shall be located closer than one thousand (1,000) feet to any secondary, primary, or interstate highway. All fences, as defined in section 339.241, Chapter 65-93, Laws of Florida Statutes, shall be provided as specified in said section

(f) Soap manufacturing.

(g) Concrete block plants and redi-mix concrete plants.

- (h) Sanitary landfills.
- (i) Feed mill.
- (j) Heliports and airports.
- (k) Recreational facilities provided by an employer within the district for the exclusive use of employees, their families, and guests.
- (l) Communication towers when lattice or guyed in design.
- (m) Communication towers when monopole in design of the tower is one hundred forty (140) feet or over in height.

Section 46. LANDSCAPING AND BUFFER REQUIREMENTS—M-2 IMPACT-GENERAL INDUSTRIAL ZONING CLASSIFICATION. Section 30.907 of the Land Development Code is amended to read as follows:

Sec. 30.907 Landscaping and buffer requirements.

(a) *Landscaping.* See As required by Sections 30.1226 through 30.1231, Active/Passive buffer setback design standards. of the Land Development Code.

(b) *Front buffer.* Front yards shall be not less than fifty (50) feet in depth as measured from the front property line to any building. The twenty-five (25) feet of such yard nearest to the front property line shall be retained as a landscaped green area and remain unpaved except for normal entrance drives. The remaining twenty-five (25) feet may be used for the parking of passenger vehicles only. Front setbacks for property located internal to an industrial park may utilize a front yard setback of not less than twenty-five feet (25') in depth from the front property line if the ten feet (10') of such yard nearest to the front property line is retained as a landscaped green area which is unpaved except for normal entrance drives and sufficient area for the loading and unloading of

vehicles is provided consistent with generally accepted engineering practices and principles.

Side buffer. A side yard of not less than ten (10) feet from a property line shall be provided. ~~On a street side yard, front yard requirements shall apply.~~

(d) Corner lots. In the case of corner lots, the lot shall be treated as having front yards on any side abutting a road right of way.

Rear buffer. A rear yard of not less than ten (10) feet shall be provided except that, on a lot having a double frontage, the front yard requirements shall apply on both streets. Rear yards may be reduced to zero (0) feet when the rear property line coincides with a railroad siding; however, no trackage shall be located nearer than three hundred (300) feet to any residential district.

Adjacent to residential buffer. See section 30.12321228, Active/Passive buffer setback design standards.

Section 47. LAKE MARY BOULEVARD GATEWAY CORRIDOR OVERLAY STANDARDS CLASSIFICATION. Section 30.1068(f) of the Land Development Code is amended to read as follows:

Sec. 30.1068. Signage.

(f) Prohibited signs. Off-premises signs, portable signs, pole signs, and temporary signs except for advertising on or attached to bus shelters. ~~with advertising.~~

Section 48. STATE ROAD 46 GATEWAY CORRIDOR OVERLAY STANDARDS ZONING CLASSIFICATION ORDINANCE. Section 30.1207(f) of the Land Development Code is amended to read as follows:

Sec. 30.1207 Signage.

(f) Pole signs, portable signs, temporary signs, off-premise signs and all other forms of signage are prohibited except that signs on or attached to bus shelters with or without kiosks, real estate signs, political signs, outdoor advertising signs, one (1) construction sign per project, banner signs consistent with Subparagraph 30.1243(2)d, and signs to mitigate impacts of road construction projects shall be permitted. (Note: In the case of Dick Baird, Inc. d/b/a Baird Ray Nissan vs. Seminole County (Eighteenth Judicial Circuit Court, March 6, 1995, Case Number 93-118, certiorari denied, Fifth District Court of Appeal, November 16, 1995) a three judge panel of the Circuit Court ruled that the Land Development Code's limitation of the number of American flags displayed on a parcel was invalid.)

Section 49. OFF PREMISE SIGNS. Section 30.1243(b)(2)(D) of the Land Development Code is amended to read as follows:

Sec. 30.1243

(b) Off-premise.

(2) Temporary.

(D) Advertising benches and shelters. Benches and shelters with or without kiosks ~~structures~~ which display advertising may be placed in close proximity to a bus stop, either in the public right-of-way or immediately adjacent to the right-of-way, and may be ~~and~~ maintained in Seminole County for the use and convenience of the general public. The placement of such benches ~~shelters/structures~~ shall be in accordance with a written agreement entered into between the firm supplying the benches and shelters and Seminole County. agreement shall include, but not limited to:

- (i) Location, size, and construction of benches and shelters.
- (ii) Permitting and removal procedures.
- (iii) Maintenance and insurance responsibilities of permit holder.

Section 50. LOCATION OF ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AREA. Section 30.1345 of the Land Development Code is amended to read as follows:

Sec. 30.1345. Location of accessory buildings and uses in residential area.

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, passage, or otherwise, it shall comply with dimensional requirements of the main building.

(b) A detached accessory building, 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 line. In the case of corner lots, the lot shall be treated as having front yards on any side abutting a road right of way.

(d) In any residential area, no commercial kennels nor any livestock or fowl may be 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 and/or twelve (12) feet in height shall be required to meet all of the set back requirements applicable to the main residential structure located on the parcel.

(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 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.

Section 51. LOCATION OF SWIMMING POOLS AND POOL SCREEN ENCLOSURES. Section 30.1345.1 is added to Land Development Code to read as follows:

SEC. 30.1345.1 Location of Swimming Pools and Pool Screen Enclosures.

(a) The water's edge of a pool shall be located no closer than ten (10) feet to the side and rear property line of a lot, parcel, or piece of land upon which it is located, nor shall it be located any closer to the front lot line of a lot, parcel, or piece of land than the main or principal building or residence to which it is an accessory. For the purpose of this section, any corner lot shall be treated as having front yards on any side abutting a road right of way. No pool shall be located less than twenty (20) feet from the shoreline of a natural water body as determined by the mean high-water mark.

(b) Any pool screen enclosure shall comply with the side yard setback requirement for the main residential dwelling and shall be no less than five (5) feet from the rear property line nor shall it be located nearer to the front lot line of a lot, parcel or piece of land than the main or principal building or residence to which it is an accessory. For the purpose of this section, any corner lot shall be treated as having front yards on any side abutting a road right of way. No screen enclosure shall be erected less than fifteen (15) feet from a natural shoreline as determined by the mean high-water mark.

(c) In the case of double frontage lots and where there is a conforming six (6) feet high minimum solid fence or wall at the rear of the property, swimming pool shall be no closer than ten (10) feet to the rear property line and the pool screen enclosure no closer than five (5) feet to the rear property line.

(d) For the purpose of this section, the mean high-water mark shall mean the mean high-water mark established by the County or by the State. In those instances where the mean high-water mark has not been established, the Development Review Manager or his/her designee shall determine the said mark in accordance with available historical data.

Section 52 FENCE REQUIREMENTS. Section 30.1349 of the Land Development Code is amended to read as follows

Sec. 30.1349. Fence requirements in residential dwelling districts.

(a) On property assigned a residential zoning classification, ~~no~~ a closed fence or wall in excess of three (3) feet in height shall ~~may~~ maintain the same district front yard setback requirement as the main or principal dwelling structure ~~be erected or maintained within twenty-five feet (25) from any street or road~~ except where backing up to a limited access highway or where regulations require such fences In the case of corner lots, the lot shall be considered to have a front yard or yards on any side or sides abutting a road right-of-way.

Section 53 . CARPORT/GARAGE/YARD SALES. Section 30.1351 of the Land Development Code is amended to read as follows:

30.1351. Carport/garage/yard sales.

"Carport/garage/yard sales" may be held in any residential and agricultural districts. Such sales may not be conducted on the same parcel more often than twice each year and each sale shall not exceed three (3) days in duration. At the conclusion of such sales, all unsold items shall be removed or packed in such manner as not to create an unsightly view as seen from the street or from adjoining properties. Any signs advertising such sales shall be removed from the premises immediately at the conclusion of the sale. No merchandise may be stored or displayed outside the carport or garage

Section 54. ALCOHOLIC BEVERAGE ESTABLISHMENTS. Section 30.1353 of the Land Development Code is amended to read as follows:

30.1353. Alcoholic beverage establishments.

(a) Approvals on state alcoholic beverage licenses.

(1) Whenever any approval, consent, authorization or similar request is made by an applicant, agency, property owner or any other person or entity relative to the appropriateness, land use or zoning consistency or conformity, or other similar action pertaining to location or siting of a business, person or entity distributing, selling, or bartering any alcoholic beverages; an application for the requested action shall be made on a form prescribed by the ~~current~~ planning office which form shall, at a minimum, describe the uses which will occur on the property.

(2) To implement approval of the requested action, a development order shall be issued in accordance with this Code in a manner and form that provides that the uses identified on the application shall be uses to which the property shall be

limited and that the provisions of the development order shall run with and burden the property.

(b) Performance standards.

(1) Definitions. For the purpose of this section the following definitions shall apply:

Bona fide restaurant. An establishment where a majority of sales and profit is from the serving of meals and not from the serving of alcoholic beverages. The determination of whether an establishment is a bona fide restaurant shall be made by the ~~current~~ planning manager.

Incidental sales. In the case of an establishment selling groceries and household dry goods, if the floor area for the sale of alcoholic beverages does not exceed ten (10) percent of the net sales floor area the sales from alcoholic beverages shall be deemed incidental. In the case of a bona fide restaurant, if a majority of sales and profit is from the serving of meals and not from the serving of alcoholic beverages, the sales from alcoholic beverages shall be deemed incidental.

~~(2) Applicability. Any establishment selling alcoholic beverages for either on or off premise consumption, except establishments that partake in incidental sales, shall be subject to the provision of this subsection.~~

~~(3)~~(2) Special exception required. Any establishment selling alcoholic beverages, either for on-premise or off-premise consumption, where the sale of alcoholic beverages is not incidental to other products offered for sale, must apply for and be granted a special exception by the board of adjustment before selling alcoholic beverages. The board of adjustment may also grant a special exception to allow a bona

bona fide restaurant, located within one thousand (1,000) feet of a church or school, to serve alcoholic beverages with meals. A special exception may only be granted when the applicant can demonstrate that the proposed use is a use that is not prohibited by the zoning ordinance.

land use ordinance shall not be applied to the proposed use.

The following provisions apply to the action of the board of adjustment:

(A) The board of adjustment may grant a special exception to allow a bona fide restaurant, located within one thousand (1,000) feet of a church or school, to serve alcoholic beverages with meals.

(B)(3) Landscaping and buffer requirements Any applicant for a special exception shall be required to provide landscaping and buffer requirements as set forth in the zoning ordinance.

However, these requirements shall not apply to any applicant for a special exception who can demonstrate to the board of adjustment that the proposed use will not have a significant adverse impact on the surrounding area.

(4) Separation requirements Any applicant for a special exception shall be required to provide a buffer between the proposed use and any church, school, or other property assigned a residential use. The buffer shall be a minimum of ten feet, or the height of the tallest building on the lot, whichever is greater.

(A) Churches No distance shall be required between a church and an alcohol beverage establishment if the church is located on the same lot as the alcohol beverage establishment, or if the church is located on an adjacent lot and the shortest possible line between the church and the alcohol beverage establishment is not less than ten feet.

(B) Schools No distance shall be required between a school and an alcohol beverage establishment if the school is located on the same lot as the alcohol beverage establishment, or if the school is located on an adjacent lot and the shortest possible line between the school and the alcohol beverage establishment is not less than ten feet.

(C) Residential properties. No closer than the following; provided, however, that bona fide restaurants and establishments that are located in and are part of a planned shopping center shall not be subject to these restrictions

(i) Five hundred (500) feet, measured along the shortest possible distance traveled by a pedestrian from the entrance of the alcoholic beverage establishment to the boundary of any property assigned a residential zoning classification or land use designation.

(ii) One hundred (100) feet from the closest vertical building extremity of the alcoholic beverage establishment to the boundary of the nearest property assigned a residential zoning classification or land use designation.

(D) Like establishments. Alcoholic beverage establishments that are not part of a planned shopping center shall not be located nearer than five hundred (500) feet from a like establishment. Example, no cocktail lounge may be located within five hundred (500) feet from another cocktail lounge. Measurement shall be between building entrances along the shortest possible line lying entirely within public rights-of-way.

Section 55. GROUP HOMES AND ASSISTED LIVING FACILITIES. Section 30.1356 of the Land Development Code is amended to read as follows:

30.1356. Group homes and assisted ~~adult congregate~~ living facilities.

(a) Statement of intent.

(1) In order to prevent concentration of foster care and group home facilities and the detrimental ~~impaction to~~ of a neighborhood caused by a high concentration of these facilities, the Board of Adjustment shall exercise care in

considering a request to establish a foster care or group home facility by determining that the approval of the new facility or additions to an existing facilities, when added to considered in light of the number of other such facilities licensed by the state (excluding foster homes) in the vicinity of the proposed site will not stress the limited capacity of a neighborhood's existing social structure to accommodate foster care and group home facilities. A second intention of this provision is to protect existing foster care and group home facilities from the possibility that an over concentration of such facilities in a neighborhood might develop which may inadvertently recreate an institutional setting. Such a setting is an impediment to the successful functioning of foster care and group home facilities.

(2) To help fulfill this intent the applicant is required to provide a list of the location of all group care facilities indicating the number of clients at each facility. The list is to be certified by the State department licensing such facilities ~~of health and rehabilitative services.~~

(b) Standards. Group homes and assisted ~~adult congregate~~ living facilities may be approved by the Board of Adjustment as a special exception ~~conditional use~~, providing, in addition to all other required findings:

In single- and two-family residential districts (including A-C, A-I and RC-I), the Board of Adjustment shall determine that the proposed structure (facility) is compatible with the neighborhood in its physical size.

In multiple-family residential districts, the Board of Adjustment shall determine that the proposed use is compatible with the area in its intensity of land use. Persons per acre (PPA) may be used as a guide establishing equivalency with density

which is typically specified as dwelling units per acre (DUPA). Based on a 2.1-person-per-household factor for multiple-family residences in Seminole County, the persons per acre for R-3A is 21 and for R-3 is 27.

(3) A copy of the application to the appropriate State agency ~~Department of Health and Rehabilitative Services~~ shall accompany the application for the special exception ~~conditional use~~.

Section 56. FAMILY DAY CARE HOMES. Section 30.1356.1 of the Land Development Code is created to read:

Sec. 30.1356.1. Family day care homes. In accordance with Section 125.0109, Florida Statutes (2001~~1999~~), the operation of a residence as a family day care home, provided that same is registered or licensed by the Department of Children and Family Services, is a residential use and is permitted in any zoning district or classification where residential uses are permitted.

Section 57. CO-LOCATION OF COMMUNICATION TOWER ANTENNAS. Section 30.1368 of the Land Development Code is amended to read as follows:

Sec. 30.1368. Co-location of communication tower antennas.

(a) General policy relating to co-location. To minimize adverse visual impacts associated with the proliferation and clustering of communication towers, co-location of communication antennas by more than one (1) carrier on existing or new communication towers is encouraged. Additional communication antennas proposed on existing Communication Towers are permitted uses and may co-locate onto existing communication towers if they satisfy the requirements of this section and no special exception is required.

requires utilization of real property for construction of ancillary facilities such as equipment rooms, which uses were not permitted under the applicable zoning code and which uses are expressly prohibited by prior special exceptions, then such ancillary facilities such as equipment rooms shall not be deemed a permitted use as a matter of right under this section unless and until a special exception is issued pursuant to the provisions of this subsection.

(1) The ~~Current~~ Planning Manager, after consultation with the applicant, shall determine in conjunction with the Planning and Development Director, consistent with sound and generally accepted planning and land use principles, whether co-location of ancillary equipment, such as equipment room, in support of co-located communication antennae are appropriate and meet the criteria of this Section.

(2) Upon a determination that the co-location of ancillary facilities, including equipment rooms, are appropriate for a parcel, the ~~Current~~ Planning Manager shall cause a "Notice of Intent to Allow Co-Location of Communication Tower Ancillary Facilities, Including Equipment Rooms" to be published in a newspaper of general circulation. The Notice shall, at a minimum, state the address of the real property and the proposed use. The Notice shall further state that any person objecting to the use of the property as described must file a notice of objection with the ~~Current~~ Planning Division within ~~thirty (30)~~ fifteen (15) days of the publication.

(3) Upon a determination that co-location of Communication Tower ancillary facilities (including equipment rooms) is not appropriate for the subject property, the applicant may appeal said decision the Board of County Commissioners

by filing notice of appeal with the Current Planning Division within thirty (30) fifteen (15) days of the rendering of the decision. The Current Planning Division shall schedule the appeal before the Board. The Board may approve or deny the co-location.

4) If the Current Planning Division receives no objections to the Notice, this or the sole discretion, then the Current Planning Manager shall allow the location of Communication Tower ancillary structures (including equipment rooms) as proposed.

The Planning and Development Director shall issue a development order or denial development order consistent with the determination made under this Section.

c) **Type of construction.** A communication tower which is modified or reconstructed to accommodate the co-location of an additional communication antenna shall be of the same tower type or a lesser impact tower type as determined by the current Planning Manager based upon the intent of Sections 30.362 through 30.1370 and sound and generally acceptable planning practices and principles, the existing communication tower.

(d) **Height.** An existing communication tower may be modified or rebuilt to a total height, not to exceed twenty (20) feet over the tower's existing height to accommodate the co-location of an additional communication antenna. Such height increase may only occur one time per communication tower and may be allowed for those sites, which obtained previous special exception approval. The additional height authorized herein shall not require an additional distance separation as described in

able Section 30 364. The communication tower's re-modification height shall be used to calculate each distance separation.

Site location. A communication tower which is being rebuilt to accommodate the co-location of an additional communication antenna may be moved from the site to an area located within fifty (50) feet of its existing location and may also be relocated with the approval of the current Planning Manager based upon sound planning and land use principles and upon finding that such approval would be consistent with and further the intent of this Code in the same manner as a site which received a previous special exception notwithstanding any condition of approval relating to the grant of the special exception. After a communication tower is rebuilt to accommodate co-location, only one tower may remain on the site. A communication tower relocated on site shall continue to be measured from the original tower location for purposes of calculating separation distances between communication towers. A communication tower which has been relocated on a site and which intrudes into the separation distances required with regard to property described in Table Section 30 364, shall only be permitted when written consent as set forth in a recordable instrument is obtained from all property owners within the applicable separation distance.

(f) **Filing of master plan.** To enhance the county's ability to promote the co-location of communication towers, any communication company that owns or operates a communication tower in the county intends to install a communication tower in the county shall file with the current Planning Division a master plan indicating the site of all existing communication towers and all proposed communication tower sites and

a statement describing the anticipated communication tower needs over the next ten (10) years; provided, however, that disclosure of marketing strategies, trade secrets, commercially privileged information or any other information that the provider deems would adversely effect his, her or its ability to compete is not required to be disclosed and the determination of the communication company shall be conclusive. The master plan shall be filed on or before January 1 of each year. The master plan is not binding. Its primary purpose is to serve as a mechanism of coordinating co-location of communication towers between persons and entities involved in that industry.

Section 58. TELECOMMUNICATION TOWERS. Section 30.1371 – 30.1379 of the Land Development Code is amended to read as follows:

Secs. ~~30.1371–30.1375~~ 30.1372-30.1376 Reserved.

Sec. ~~30.1379~~ 30.1371 Camouflage towers; where permitted. Camouflage communication towers may be permitted by the ~~current p~~Planning ~~m~~Manager on any parcels which is not assigned a residential zoning classification provided that the ~~current~~ planning manager makes the findings set forth in the definition of the term "camouflage communication tower."

Sec. ~~30.1376. Annual report.~~

~~(a) The county manager, or his or her designee, shall issue a report to the board of county commissioners on or before December 31, of each year, beginning in 1997, relating to the status of communication towers in the county, anticipated developments in the telecommunications industry, projected issues to be faced by the county and conceptual county programs and policies to address the challenges that are likely to be faced by the county relative to the matters addressed in this part.~~

~~(b) To enhance the county's ability to promote the co-location of communication towers and to address other land use issues relative to communication towers, each communication company that owns or operates a communication tower in the county or intends to install a communication tower in the county shall designate a representative to meet with the current planning division at least annually to discuss and evaluate the issues relating to the siting and other planning issues relating to communication towers as well as technological developments in the communications field.~~

Sec. 30.1377. Home Office. A home office may be used only by immediate family members actually living on a full time basis at the residence in which the office is located. If a residence is used as a home office, signage and deliveries that are not typical for a residence use and commercial meetings with customers, clients, patients or similar persons are prohibited.

~~**Sec. 30.1377. Required submittals checklist.** The current planning manager shall develop and widely distribute a checklist for applicants for approvals for the placement of communications towers which checklist shall contain, at a minimum, all of the required submittals and information necessary to make application for approval of a communications tower.~~

Sec. 30.1378. Temporary uses. The current Planning Manager may approve the use of properties for temporary use for the sale of merchandise related to customary seasonal holidays such as Christmas, Easter, the Fourth of July and Valentines Day or for special events on property assigned a zoning classification which permits the use if he or she determines that ingress and egress, parking and requisite setbacks are

provided that are consistent with and safeguard the public health, safety, morals and welfare. Any use exceeding a temporary use shall subject the property to all provisions of this Code including, but not limited to, site plan approval, impact fee assessment, master plan approval, and any and all other approvals required by this Code.

Section 59. DESIGN STANDARDS ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY ORIENTED BUSINESSES. Section 30.1380 of the Land Development Code is amended to read as follows:

30.1380 Design Standards Adult Entertainment Establishments and Sexually Oriented Businesses.

Section 60. MOBILE HOME/MANUFACTURED HOUSING SITING STANDARDS. Section 30.1401(c)(2) of the Land Development Code is amended to read as follows:

Sec. 30.1401. Mobile home/manufactured housing siting standards.

(c) Landscaping and buffers for mobile homes/manufactured housing in RM-1, RM-2 or RM-3 Districts:

(2) The perimeter landscape buffer shall be as specified in the applicable Part (17, 18 or 19) of this Code ~~a minimum of ten (10) feet wide~~. In addition, a high wooden or masonry visual screen six (6) feet in height and at least seventy-five (75) percent opaque shall be provided when a mobile or manufactured home abuts properties that are not assigned the RM-1, RM-2 or RM-3 zoning classification. ~~The Current-Planning Manager~~ may waive any masonry wall required by this subsection where extensive perimeter buffer areas are found to exist or a binding commitment exists to install same.

Section 61 SUBDIVISION REGULATIONS. Section 35.64 of the Land Development Code is amended to read as follows:

Sec. 35.64 Lots. Section 35.64 c) of the Land Development code is amended to read as follows:

(c) **Double-frontage lots.** Double-frontage lots shall be permitted only where necessary to separate a development from major collectors and arterials, to overcome disadvantage of topography and orientation, or to limit individual driveway where necessary to preserve the carrying capacity of roadways. Where double-frontage lots are created, they shall all front the same direction. The rear of the lots shall be screened from the abutting roadway by a wall of brick or masonry construction not less than ~~four (4)~~ six (6) feet in height, and not nearer than one foot to the right-of-way line. A masonry wall shall be finished on both sides with paint or stucco or both. The County may, at its option, permit landscaping of suitable height or fence other than masonry built to County specifications. ~~Such double-frontage lots shall be at least one hundred fifty (150) feet in depth.~~ Access rights along the rear of such lots shall be dedicated to Seminole County by means of a note stating "Vehicular Access Rights Dedicated to Seminole County" lettered on the Final Plat along the right-of-way line adjacent to the lots affected.

Section 62. RIGHT OF WAY PERMITTING. Section 75.4 of the Land Development Code is amended to read as follows:

Sec 75.4. Prohibitions.

(a) Construction of masonry or other substantial structures within county right-of-way is prohibited.

(b) No private sign shall be permitted in county right-of-way except those associated with a bus shelter at or near an identified bus stop. A permitted advertising sign shall be a part of the shelter, a stand-alone kiosk or other form acceptable to the County and placed on an ADA compliant concrete pad. Such advertising signs will be backlit. Such advertising shall only be permitted in accordance with a written agreement between the firm supplying the shelters or other structures and Seminole County.

Section 63. ANNUAL LICENSE. Section 46.84 of the Seminole County Code is amended to read as follows:

Sec 46.84. Annual License

a) There shall be collected under this Part annual license fees for the following classification of adult entertainment establishments and sexually oriented businesses: The amount of such fees shall be established by resolution of the Seminole County Board of County Commissioners.

~~(1) Adult bookstore/adult video store ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$1500.00);~~

~~(2) Adult theater ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$1500.00);~~

~~(3) Adult performance establishments TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00);~~

~~(4) Adult motel TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00);~~

~~(5) Commercial bodily contact establishment TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00); and~~

~~(6) Escort service TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00.)~~

Section 64. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Land Development Code of Seminole County and the Seminole County Code, as applicable, and that the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that sections 64, 65, and 66 shall not be codified.

Section 65. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall 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 66. EFFECTIVE DATE. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this ____ day of _____, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

**Matrix of Proposed
Minor Land Development Code Amendments**



PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
1	Planning Manager / Planning Division	Change "Current Planning Manager" to Planning Manager and "Current Planning Division" to Planning Division throughout Land Development code (LDC).	Various	There is no longer a "Current Planning Manager" or a "Current Planning Division." Those duties have been assigned to the Planning Manager/Planning Division.	various
2	Penalties	Editorial change to penalties section. Addition of sentence recognizing availability of code enforcement proceedings.	Sec. 1.4	To clarify enforcement penalties and enforcement through the Code Enforcement Board.	3
3	LDC Effective Date	Clarify effective date of original adoption of Land Development Code (LDC) and subsequent amendments.	Sec. 1.7	Current date is the date that the base ordinance was adopted and not subsequently adopted ordinances.	3
4	LDC & SCCP conflicts	Delete provisions dealing with conflicts between Seminole County Comprehensive Plan (SCCP) and Land Development Code (LDC).	Sec. 1.10	State law requires that Land Development regulation be consistent with Comprehensive Plan.	3 to 4
5	LDC Provisions	Add explanation of effect of parenthetical provisions in LDC.	Sec. 1.11	For clarification purposes.	4
6	Adult Entertainment	Delete almost all adult entertainment definitions and reference others to Seminole County Code.	Sec. 2.3	Definitions are substantive and belong in a substantive section such as County Code. Also, to remove duplication. The definitions currently appear in the County Code.	4 to 24
7	Assisted Living Facility	Add definition of "Assisted Living Facility."	Sec. 2.3	To conform with terminology in state law.	10
8	Bus Shelter	Add definition of "bus shelter."	Sec. 2.3	Provision for bus shelter is added to LDC.	10
9	Community Residential Home	Change definition of "Community Residential Home."	Sec. 2.3	To conform with terminology in state law.	12
10	Conditional Use	Delete definition of "conditional use" and reference throughout LDC.	Sec. 2.3	All Conditional Uses are to be referred to as Special Exceptions.	12

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO.IN DRAFT ORD.
11	Development Permit	Change definition of "Development Permit."	Sec. 2.3	Delete "sign permit" from the definition.	13
12	Due Public Notice	Add definition of "Due Public Notice/Public Notice."	Sec. 2.3	Provide notification in accordance with state and local law.	13
13	Family Day Care	Add definition of " Family day care home."	Sec. 2.3	To conform with terminology in state law.	15
14	Home Office	Change definition of "Home Office" and Include the regulatory requirement in the Supplemental section of the LDC.	Sec. 2.3	Remove regulatory requirements from the definition.	15-16
15	Kiosk	Add definition of "kiosk."	Sec. 2.3	Kiosk is used in conjunction with transit shelter regulations.	16
16	Master Plan	Change definition of "Master Plan."	Sec. 2.3	Change reference from conditional use to Special Exception uses. The term conditional use is being deleted throughout the LDC.	16
17	Special Exception	Change definition of "Special Exception."	Sec. 2.3	Amended to authorize the Board of County Commissioners to approve/deny Special Exceptions in the event of an appeal of the Board of Adjustment decision.	18
18	Variance definition	Delete "variance" definition relative to the Flood Prone Ordinance.	Sec. 2.3	Refers granting of variances to the Board of Adjustment. Board of Adjustment should not be the authority for granting variances of this nature.	24
19	Land Planning Agency	Designate P&Z as County's land development regulation commission.	Sec. 7.1	To include reference to state law.	24
20	Land Planning Agency	Add requirement for P&Z to review proposed land development regulations and amendments.	Sec. 7.2(10)	Terminology to be consistent with state law.	24-25

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
21	Land Planning Agency	Update provisions dealing with organization of P&Z.	Sec. 7.5	To be consistent with state law.	25
22	Land Planning Agency	Delete provisions dealing with P&Z's public meetings and records (duplicative of state law).	Sec. 7.6	A duplication of sec. 7.2(5).	25
23	Concurrency	Delete requirement to develop concurrency policy and procedures manual.	Sec. 10.3 (d)	Policy & procedures manual has been completed.	26
24	Concurrency	Update references to demand estimates for solid waste and mass transit.	Sec. 10.5 (j)(4) and (6)	Level of service values for 1992 should be deleted & those after 1992 reviewed.	26-27
25	Development Orders	Add reference to state law in appeals section.	Sec. 20.12	To include reference to state law.	27
26	M-2, C-3 and R-AH Zoning District	Establishment of Districts section of code: Add M-2, Impact-General Industrial, to the "Industrial districts" list, remove C-3, Wholesale Commercial, from the "Commercial Districts" list and add it to the "Industrial Districts" list, and add R-AH, Affordable Housing Dwelling Districts to the "Residential Districts" list.	30.21	Should have been included when the M-2 and R-AH zoning classification was adopted. C-3 was listed incorrectly.	28-30
27	Official Zoning Atlas	Amend section relative to the adoption, updating, final authority, correction of errors, replacement and preserving of past "Zoning Atlases."	Sec. 30.24	To reflect the change to digital maps.	30-33
28	Planning & Zoning Commission	Delete subsection (e), Planning and Zoning Commission's power and duties.	Sec. 30.41	This subsection does not belong with the P&Z authority as it is relative to the Board of County Commissioners. Procedure should be in a separate section.	34

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
29	Planning Manager Authority	Clarify Planning Manager's authority to approve setback variances.	Sec. 30.42	Sentence does not read correctly. Appears to have words missing.	34
30	Board of Adjustment	Restate required findings for Board of Adjustment in order to grant special exceptions.	Sec. 30.43 (b)(2)	To provide consistency throughout the LDC.	35
31	Due Public Notice	Change the placard posting requirement to 10 days in lieu of 15 days and delete duplicate wording.	Sec. 30.44	Change posting requirement to conform with the State Law and move the definition to the definition section, Sec. 2.3, of the LDC.	36
32	Special Exception time limit	Allow extension of validity of Special Exception pending judicial resolution of challenge .	Sec. 30.45	This provision is necessary in order to prevent the filing of a frivolous law suit with the intent and purpose of delaying the Special Exception use until the Special Exception expires.	37
33	LDC Enforcement	Delete duplicative provision dealing with enforcement.	Sec. 30.47	Duplication of information.	37 to 38
34	LDC Interpretation	Delete duplicative provision dealing with interpretation of LDC.	Sec. 30.48	Duplication of Sec. 1.2.	38
35	Special Exception Criteria	Clarify standards for granting special exceptions in A-10, A-5 and A-3 zones.	Sec. 30.104	Standards are duplicative and should reference Sec. 30.43 (b)(2).	38 to 41
36	Special Exception Criteria	Clarify standards for granting exceptions in A-1 zone.	Sec. 33.124	Standards are duplicative and should reference Sec. 30.43 (b)(2).	41-45
37	Special Exception Criteria	Clarify standards for granting special exceptions in RC-1 zones.	Sec. 30.163	Standards are duplicative and should reference Sec. 30.43 (b)(2).	45-46

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
38	Special Exception Criteria	Clarify standards for granting special exceptions in R-1, R-1B and R-1BB zones.	Sec. 30.183	Standards are duplicative and should reference Sec. 30.43 (b)(2).	46-47
39	Special Exception Criteria	Clarify standards for granting special exceptions in R-1AAAA, R-1AAA, R-1AA and R-1A zones.	Sec. 30.203	Standards are duplicative and should reference Sec. 30.43 (b)(2).	47-48
40	Special Exception Criteria	Clarify standards for granting special exceptions in R-2 zone.	Sec. 30.223	Standards are duplicative and should reference Sec. 30.43 (b)(2).	48
41	Special Exception Criteria	Clarify standards for granting special exceptions in R-3 and R-3A zones.	Sec. 30.243	Standards are duplicative and should reference Sec. 30.43 (b)(2).	49
42	Special Exception Criteria	Clarify standards for granting special exceptions in R-4 zone.	Sec. 30.263	Standards are duplicative and should reference Sec. 30.43 (b)(2).	49-50
43	Active/Passive Buffer	Correct the reference number for Active/Passive buffers in the R-4 section of the LDC.	Sec. 30.267	Reference should be Sec. 30.1332.	50
44	RM-1 Zoning District	Correct typographical error.	Sec. 30.302(c)	Should be "uses" not "unit."	50
45	Special Exception Criteria	Clarify standards for granting special exceptions in RM-1 zone.	Sec. 30.303	Should make reference to Sec. 30.43 (b)(2).	51
46	Special Exception Criteria	Clarify standards for granting special exceptions in RM-1 zone.	Sec. 30.323	Should make reference to Sec. 30.43 (b)(2).	52
47	Special Exception Criteria	Clarify standards for granting special exceptions in RM-3 zone.	Sec. 30-343	Should make reference to Sec. 30.43 (b)(2).	52-53

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
48	RM-3 Zoning District	Change sanitary requirements to conform to State law (travel trailer park and campsites).	Sec. 30.344(d) through (l)	To reference state law.	53-55
49	PUD Time Limits	Clarify BCC options regarding time limits for PUD.	Sec. 30.449	Relative to the extension of the deadline for start of construction.	55
50	Open Space, PUD Zoning District	Clarify open space requirements for PCD developments.	Sec. 30.468(d)	To clarify the 25% open space requirement.	56
51	Special Exception Criteria	Restate required Board of Adjustment findings for PLI special exceptions.	Sec. 30.585	Standards are duplicative and should reference Sec. 30.43 (b)(2).	56-57
52	Special Exception Criteria	Clarify special exception requirements for OP zoning district.	Sec. 30.664	Standards are duplicative and should reference Sec. 30.43 (b)(2).	57-59
53	Active Passive Buffer, OP Zoning district	To correct the reference number for the Active/Passive section of the LDC.	Sec. 30.669	Incorrect section is referenced.	60
54	Landscaping, OP Zoning District	To correct the reference number for the Active/Passive section of the LDC.	Sec. 30.670	Incorrect section is referenced.	60
55	Site Plan, OP Zoning District	Delete unnecessary LDC reference.	Sec. 30.672	Delete reference to Chapter 7, Article III.	60
56	Sound Amplification, CN Zoning District	Clarify intent regarding sound amplification in CN zoning district.	Sec. 30.703(e)	Delete reference to outside amplification as it appears that ordinance only applies to sound originating from outside.	60

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO.IN DRAFT ORD.
57	Special Exception Criteria	Restate required Board of Adjustment findings for CN zoning district special exceptions.	Sec. 30.705	Standards are duplicative and should reference Sec. 30.43 (b)(2).	60-61
58	Special Exception Criteria	Restate required Board of Adjustment findings for CS special exceptions.	Sec. 30.723	Standards are duplicative and should reference Sec. 30.43 (b)(2).	61
59	Sound Amplification, CS Zoning District	Clarify intent regarding sound amplification in CS zoning district.	Sec. 30.724	Standards are duplicative and should reference Sec. 30.43 (b)(2).	61
60	Site area, CS Zoning District	Clarify site area requirements in CS zoning districts.	Sec. 30.727	Standards are duplicative and should reference Sec. 30.43 (b)(2).	62
61	Special Exception Criteria	Restate required Board of Adjustment findings for C-1 zoning district special exceptions.	Sec. 30.743	Standards are duplicative and should reference Sec. 30.43 (b)(2).	62
62	Special Exception Criteria	Restate required Board of Adjustment findings for C-2 zoning district special exceptions.	Sec. 30.763	Standards are duplicative and should reference Sec. 30.43 (b)(2).	62-63
63	Special Exception Criteria	Restate required Board of Adjustment findings for C-3 zoning district special exceptions.	Sec. 30.783	Standards are duplicative and should reference Sec. 30.43 (b)(2).	63-64
64	Flea Market, C-3 Zoning District	Add Flea Market to list of uses permitted by the granting of a Special Exception in the C-3 zoning district.	Sec. 30.783	Flea Markets were not previously addressed in the code.	63-64
65	Special Exception Criteria	Restate required Board of Adjustment findings for M-1A zoning district special exceptions.	Sec. 30.864	Standards are duplicative and should reference Sec. 30.43 (b)(2).	64-65

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO.IN DRAFT ORD.
66	Landscaping, M-1A Zoning District	Change incorrect LDC reference.	Sec. 30.868	Incorrect LDC reference. Should be Sec. 30.1228.	65
67	Special Exception Criteria	Restate required Board of Adjustment findings for M-1 zoning district special exceptions.	Sec. 30.883	Standards are duplicative and should reference Sec. 30.43 (b)(2).	65-67
68	Landscaping, M-2 Zoning District	Change LDC references in landscaping and buffer sections.	Sec. 30.907	Correct incorrect reference & list all applicable sections of the landscape regulations.	67-68
69	Lake Mary Blvd. Overlay Standards	Provide for advertising on bus shelters as a permitted type of off-premise sign.	Sec. 30.1068	Allow advertising on bus shelters located along the bus routes.	68
70	SR-46 Gateway Corridor	Provide for advertising on bus shelters as a permitted type of off-premise sign.	Sec. 30.1207	Allow advertising on bus shelters located along the bus routes.	68-69
71	Off-premise signs	Provide for advertising on bus shelters as a permitted type of off-premise sign.	Sec. 30.1243	Allow advertising on bus shelters located along the bus routes.	69
72	Setbacks, accessory structures	Side yard setbacks for accessory structures in R-1B, R-1, R-1A, should be reduced to 7.5 ft. and R-1BB reduced to 5 ft., which is the same as the main structure. (Current regulations require a 10 ft. side yard setback.)	30.1345	Accessory structures were not addressed when the side yard setbacks for the main structure were reduced to 7.5 ft. (for R-1B, R-1, and R-1A) and 5 ft. (for R-1BB).	70
73	Setbacks for accessory structures	Reduce rear yard setback requirement to 10 ft. for accessory structures located on double frontage lots when there is a 6-ft. high brick or masonry subdivision wall.	Sec. 30.1345	Current code requires a rear yard setback to be the same as the front yard setback on double frontage lots. This prevents many double frontage lots from placing detached accessory structures, such as a utility shed, in the rear yard.	70

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
74	Setbacks for pools & pool screen enclosures	Add a new section pertaining to the setback requirements for swimming pools and pool screen enclosures. (Setback requirements are currently located in the County Code). At the same time, amend the pool setback requirements to the following: (Rear and side yard setback for the pool to remain at 10 ft.) change the setback from a natural water body to 20 ft. in lieu of 15 ft.. Amend the pool screen enclosure setbacks to the following: Rear yard setback for the pool screen enclosure to 5 ft. in lieu of 10 ft., side yard setback to "the same as the main residence" in lieu of 10 ft., and 15 ft. from a natural water body in lieu of 25 ft.	Sec. 30.1345.1	This will allow pool screen enclosures to maintain the same side yard setback as the main dwelling in the R-1B, R-1BB, R-1 and R-1A zoning district, and allow pool screen enclosures to be placed 5 ft. closer to the rear lot line or a natural water body than the pool. (Currently, the pool and pool screen enclosure are both required a 10 ft. side and rear yard setback. On a water body, pools are required a 15 ft. minimum setback and pool screen enclosures are required a 25 ft minimum setback.)	71 to 72
75	Fences	Amend front yard and side street setback for fences over 3 ft. in height.	Sec. 30.1349	Current code requires a minimum setback of 25 ft. This would allow dwellings in districts that have a min. front yard setback that is less than 25 ft. to place the fence even with the front of the house or in the case of side streets, even with the side of the house.	72
76	Garage Sales	Allowing carport/garage sales in any zoning district.	Sec. 30.1351	Allow garage sales to be held in any zoning district, not just residential.	72
77	Alcoholic Beverages	Relocate "Board of Adjustment may grant a special exception to allow a bona fide restaurant, located within 1000 ft. of a church or school, to serve alcoholic beverages with meals." This paragraph needs to be a separate subsection.	30.1353	This will correct an error made when the Alcoholic Beverage Ordinance was last amended. The subsection pertaining to a special exception for separation from a church or school was out of sequence.	73 to 76
78	Assisted Living Facility (ALF)	Update provisions dealing with assisted living facilities to reflect changes in state law.	Sec. 30.1356	To conform to terminology used in state law.	76 to 78

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO.IN DRAFT ORD.
79	Family Day Care Homes	A new section of the LDC pertaining to "Family Day Care Homes."	Sec. 30.1356.1	Currently does not exist.	78
80	Towers	Reduce from 30 days to 15 days the number of days for filing a notice and appeal relative to the the granting of an administrative Special Exception for the expansion of a tower site.	Sec. 30.1368	To match the 15 day appeal time for other Special Exceptions. Fifteen days is enough time for a aggrieved person to file an objection.	79-81
81	Towers	Relocate and renumber Section to Sec. 30.1371, Camouflage Towers; where permitted.	Sec. 30.1371 (formerly Sec. 30.1397)	Section is out of sequence.	82
82	Towers	Delete the requirement for an annual report to the BCC relative to towers.	Sec. 30.1376	The filing of an annual report on or before Dec. 31, of each year is not occurring. Instead, a report to the District Commissioner and Commissioner of Dist. 2 is currently being made each time a tower application has been approved by the Board of Adjustment.	82 to 83
83	Home Office	A new section to Include the regulatory requirement in the Supplemental Section of the LDC.	Sec. 30.1377	This will separate the regulatory requirements from the definition and place them in the correct section of the LDC.	83
84	Towers	Delete section pertaining to a "Required Submittals Checklist."	Sec. 30.1377 (omit)	Checklist has been completed and is available to the public.	83
85	Temporary Uses	Change "Current Planning Manager" to "Planning Manager."	Sec. 30.1378	Change throughout the LDC due to a change in title.	83
86	Adult Entertainment Establishments	Expand the title to include "Adult Entertainment Establishments & Sexually Oriented Businesses."	Sec. 30.1380	The title "Design Standard" does not state what the design standards pertain to.	84

PROPOSED MINOR LDC AMENDMENTS
SEMINOLE COUNTY

NO	SUBJECT	DESCRIPTION	Code Sec.	REASON FOR CHANGE	PG. NO. IN DRAFT ORD.
87	Mobile Homes	Correct the buffer requirements for mobile home/manufactured housing by referring to the pertinent sections of the LDC.	Sec. 30.1401 (c)92	Reference requirements listed in the RM-1, RM-2, and RM-3 zoning classification are the correct buffer requirements (not 10 ft.).	84
88	Walls	Increase the minimum height for a perimeter subdivision wall to 6 ft., require the wall to be finished on both sides, and remove the minimum depth for double frontage lots.	Sec.35.64 (c)	Four (4) ft. high walls are not sufficient for blocking road noise and visibility. Unfinished walls can be unsightly and become a maintenance problem. Many waivers have been granted to the required lot depth.	84-85
89	Right Of Way Permitting	Allow advertising on bus shelters that are located within the public road right-of-way.	Sec. 75.4	To allow for bus shelters located at bus stops.	85-86
90	Annual License	Deletes the annual license fees per the Seminole County Code.	Sec. 63	Allows the Board of County Commissioners to establish the fees for adult entertainment businesses and sexually oriented businesses by resolution.	86-87

PRIVATE PROPERTY RIGHTS ANALYSIS
FOR THE
"MINOR LDC UPDATE – 2002"
AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE
COUNTY, FLORIDA, 2002

Amendment to the Land Development Code of Seminole County

- The County is proposing to amend the Land Development Code of Seminole County which includes recommended changes by the Municipal Code Corporation and other County Staff. The amendments are minor in nature and are being proposed to correct obvious errors, clarify interpretations, and eliminate duplicate information to various sections of the Land Development Code and Seminole County Code.
- Among the proposed changes is language to clarify definitions and revise standards to conform to terminology and requirements in state law. The proposed changes also include some modification of permitted uses such as adding Flea Market as a Special Exception in the C-3 zoning district, providing for advertising on bus shelters as a permitted type of off-premise sign, changing setbacks for pools and pool screen enclosures and changing height and finish requirements for walls. Note that certain sections of the Land Development Code pertaining to adult entertainment are being deleted because they are duplicated in the Seminole County Code. A matrix explaining the changes is attached.

Zoning Standards

- This proposed Ordinance change incorporates minor changes or alterations of the actual permitted, special exceptions or prohibited uses within any zoning categories. This proposed Ordinance does not change the actual zoning map designation of a lot, parcel or parcels of land.
- The proposed Ordinance change provides for consistency in development standards, definitions, processes, procedures, application and interpretation of the Ordinance.
- Development regulations may be more easily understood, enabling improved planning for property owners for the future use of their property.

Estimated Economic Impact on Individuals, Businesses or Government

Advantages:

- Individuals, businesses and property owners may experience a reduction in development costs as a result of a better overall understanding and consistency of the development standards, definitions, processes, procedures, application and interpretation of the Ordinance.
- With this proposed Ordinance, local government may experience increased revenues by providing for bus shelter advertising along bus routes.
- Local governments may experience reduced operating costs as a result of fewer appeals of development approvals and fewer frivolous law suits due to improved clarity and improved processes through out the proposed Ordinance.

Disadvantages:

- Some additional costs to property owners/developers may be incurred when actual development of property occurs due to more stringent requirements that conform to State law and minimum requirements for perimeter subdivision walls.

Anticipated New, Increased, or Decreased Revenues

- With this proposed Ordinance, local government may experience increased revenues by providing for bus shelter advertising along bus routes.

Estimated Impact upon Competition and the Open Market for Employment

- There is no negative or positive impact upon competition and the open market for employment anticipated as a result of the proposed Ordinance.

Data and Method Used in Determining Analysis

- Matrix comparing current and proposed Land Development Code, Development Advisory Board, Seminole County (AC??), administrative and professional expertise.

Citation

- All land development regulations shall be evaluated prior to their enactment to determine the extent and scope of their impact upon private property rights (Policy FLU 12.3 Evaluation of New Land Development Regulations, Seminole County Vision 2020 Comprehensive Plan, page FLU-50, July, 2002).

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.

Revised 11/19/02

ECONOMIC IMPACT STATEMENT
FOR THE
"MINOR LDC UPDATE – 2002"
AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE
COUNTY, FLORIDA, 2002

Describe Project/Proposal

- The County is proposing to amend the Land Development Code of Seminole County which includes recommended changes by the Municipal Code Corporation and other County Staff. The amendments are minor in nature and are being proposed to correct obvious errors, clarify interpretations, and eliminate duplicate information to various sections of the Land Development Code and Seminole County Code.
- Among the proposed changes is language to clarify definitions and revise standards to conform to terminology and requirements in state law. The proposed changes also include some modification of permitted uses such as adding Flea Market as a Special Exception in the C-3 zoning district, providing for advertising on bus shelters as a permitted type of off-premise sign, changing setbacks for pools and pool screen enclosures and changing height and finish requirements for walls. Note that certain sections of the Land Development Code pertaining to adult entertainment are being deleted because they are duplicated in the Seminole County Code. A matrix explaining the changes is attached.

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

- County staff must carefully review all development plans to ensure their compliance with this proposed Ordinance. The review process and ongoing building code enforcement issues, compliance disputes or development plan denials may involve both the Planning and Development Department and the County Attorney's Office. Requests for variances and special exceptions will require staff review within Planning. The above described impacts will be no greater than the current impact upon the operation of the County.

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

- Some additional costs to property owners/developers may be incurred when actual development of property occurs due to more stringent

requirements that conform to State law and minimum requirements for perimeter subdivision walls. For example, the increase height for a perimeter wall from 4 ft. to 6 ft. and the requirement for the wall to be finished on both sides will increase the cost to the developer/property owner.

- With this proposed Ordinance, local government may experience increased revenues by providing for bus shelter advertising along bus routes. This additional revenue will offset the revenues needed from tax payers.

Identify Any Potential Indirect Economic Impacts, Positive or Negative Which Might Occur as a Result of the Project/Proposal

- The requested modifications to correct obvious errors, clarify interpretations and eliminate duplicate information may improve the process flow of development projects, reduce the requests for variances, special exceptions and appeals.
- The potential of additional revenues from bus shelter advertising may facilitate the improvement of public transportation in the County without a corresponding increase in tax.

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.

Revised 11/19/02

BARBARA J. FOSTER
2150 Terrace Boulevard
Longwood, Florida 32779
(407) 788-3772

RECEIVED

JUL 29 2002

PLANNING AND DEVELOPMENT

July 25, 2002

Mr. Donald S. Fisher
Director
Planning and Development Department
Seminole County
1101 East First Street
Sanford, Florida 32771

Dear Mr. Fisher:

Re: Regulations for Pool Screen rooms

It is my understanding that new regulations may be in the process of being written for pool screen rooms. If so, I would like to be able to provide input. If so, please forward any proposed regulations or inform the planner who may be drafting regulations. My specific concern regards the following:

Screen rooms that front on lakes need stricter regulation than those in a usual back yard do.

Even though the lake is in the back yard, that is frequently the most valuable part of the property.

It is often unreasonable for a property owner to be able to place a screen room and greatly restrict another property owners' view of the lake.

This is to request that the 25' (twenty-five foot) set back from waterfront be kept for screen rooms.

Please inform me if a public hearing is to be held on new regulations regarding screen rooms. Thank you for your assistance.

Sincerely yours,


Barbara J. Foster