

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Amendments to the Land Development Code regarding Manufactured Homes and Agricultural Signage in the East Rural Area

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Alison Stettner **CONTACT:** Jeff Hopper EXT. 7377

Agenda Date <u>8/5/2009</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

- RECOMMEND APPROVAL** of the proposed amendments to the Land Development Code regarding manufactured homes and agricultural signage in the East Rural Area; or
- RECOMMEND DENIAL** of the proposed amendments to the Land Development Code regarding manufactured homes and agricultural signage in the East Rural Area; or
- CONTINUE** the item to a time and date certain.

Countywide Jeff Hopper, Senior Planner

BACKGROUND:

The attached proposed ordinance will amend the Land Development Code to establish manufactured housing as a permitted use in the A-3, A-5, and A-10 zoning classifications, implementing Policy FLU 10.3 of the Seminole County Comprehensive Plan. This policy supports a larger objective of maintaining and increasing the supply of affordable and workforce housing in Seminole County.

Also, the ordinance redesignates several uses now listed as special exceptions to permitted uses in these districts, including agricultural operations and riding stables.

Finally, the ordinance establishes regulations and a permitting process for off-premise agriculture-related signs in the East Rural Area. These signs would be of a seasonal nature, and advertise produce and/or other activities related to the agricultural use of the property being advertised.

Reviewed by:
Co Atty: <u>KST</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. _____

STAFF RECOMMENDATION:

Staff recommends approval of amendments to the Land Development Code regarding manufactured homes and agricultural signage in the East Rural Area.

Attachments:

Ordinance

Policy FLU 10.3

Economic Impact Statement

Private Property Rights Statement

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA; AMENDING CHAPTER 2, SECTION 2.3 BY ADDING A DEFINITION FOR ACCESSORY DWELLING UNIT AND AMENDING DEFINITIONS FOR MOBILE HOME AND MANUFACTURED HOUSING; AMENDING SECTION 30.45 TO CLARIFY TIME LIMIT PROVISIONS FOR SPECIAL EXCEPTIONS; AMENDING SECTION 30.102 TO ALLOW MANUFACTURED HOMES AND AGRICULTURAL USES AS PERMITTED USES IN THE A-3, A-5, AND A-10 ZONING CLASSIFICATIONS; ALSO AMENDING SECTION 30.102 TO ADD VARIOUS USES PREVIOUSLY CLASSIFIED AS SPECIAL EXCEPTIONS; AMENDING 30.104(b) TO DELETE MOBILE AND MANUFACTURED HOMES AS A SPECIAL EXCEPTION USE IN SAID DISTRICTS; ALSO AMENDING SECTION 30.104(b) TO ADD ADULT CONGREGATE LIVING FACILITIES AND SEWAGE AND WATER TREATMENT PLANTS AS SPECIAL EXCEPTIONS AND DELETING OTHER USES; AMENDING SECTION 30.108 TO ADD APPEARANCE REQUIREMENTS FOR MANUFACTURED HOMES IN THE A-3, A-5, AND A-10 ZONING DISTRICTS; AND AMENDING PART 65, CHAPTER 30, TO CREATE SECTION 30.1255 TO PERMIT AGRICULTURE-RELATED SIGNAGE IN RURAL AREAS; PROVIDING FOR SEVERABILITY AND NON SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to facilitate the provision of affordable and workforce housing in Seminole County; and

WHEREAS, Policy FLU 10.3 of the Seminole County Comprehensive Plan states that the County will continue to allow existing manufactured housing and mobile homes as permitted uses where previously permitted, and allow as permitted uses in the zoning classifications associated with the Rural-3, Rural-5 and Rural-10 future land use designations; and

WHEREAS, the Board of County Commissioners has determined that the County's Rural Area is a location where manufactured housing is compatible with desirable future land use patterns as provided in the Seminole County Comprehensive Plan; and

WHEREAS, the Seminole County Comprehensive Plan contains specific definitions of the terms “mobile home” and “manufactured housing”; and

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan; and

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

Section 1. Amendment to Section 2.3, Land Development Code of Seminole County (LDC). Section 2.3 of the LDC is amended as follows (underlines are additions, strikethroughs are deletions, and remaining text is unchanged):

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

“Manufactured housing”: The term “manufactured housing” shall be defined consistent with the provisions of Part IV, Chapter 553, Florida Statutes, relating to factory built housing, or its successor provisions. The term “manufactured housing” shall be defined consistent with the provisions of Section 320.01(2)(b), Florida Statutes, which state that this term applies to a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

“Mobile home”: As defined in Section 320.01(2)(a), Florida Statutes (1993) a structure installed by a mobile home installer certified by the Department of Highway Safety and Motor Vehicles and transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities. It shall be secured with anchor tie-downs as specified in Section 320.8325, Florida Statutes, shall include plumbing, heating, air-conditioning, and electrical systems.

and shall bear the HUD label indicating it was built in accordance with U.S. Department of Housing and Urban Development (HUD) code.

Section 2. Amendment to Chapter 30, Land Development Code of County (LDC). Chapter 30 of the LDC is amended to read as follows (underlines are additions, strikethroughs are deletions, and remaining text is unchanged):

30.45 Time Limit.

Except as otherwise provided in this Land Development Code, any Any special exception granted by the Board of Adjustment or Board of County Commissioners shall expire one (1) year after the Board of Adjustment or Board of County Commissioners approves the application at a public hearing unless a development permit based upon and incorporating the special exception is obtained within the aforesaid one (1) year period. However, the Board of Adjustment or Board of County Commissioners may renew such special exception for one (1) additional period of six (6) months, provided good cause is shown and the application for extension shall be filed with the Board at least thirty (30) days prior to the expiration of the aforesaid one (1) year period. Any renewal may be granted without public hearing; provided, however, that a reapplication fee may be charged by the 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.

30.102. Permitted Uses.

Within any property assigned the A-10, A-5 or A-3 Rural Zoning Classifications, no building, structure, land or water shall be developed, except for the following uses:

- (a) Single family residences, including manufactured housing, and uses accessory thereto, ~~including one (1) guest house or cottage.~~
- (b) Agricultural operations and attendant structures; greenhouses (not involved with retail sales to the general public); including: poultry production, dairy

- production); groves and farms for the cultivation and propagation of citrus, vegetables, fruits, berries, nuts, grass sod and trees; pastures and grasslands for cultivation and propagation of livestock.
- (c) Riding stables, limited to 10 riding lessons and/or customers per day.
 - (d) Barns, sheds, silos, granaries, and related agricultural structures.
 - (e) Publicly and privately owned passive parks and rural recreational facilities.
 - (f) Public elementary schools.
 - ~~(b)(g)~~ Home occupations and home offices.
 - ~~(c)~~ ~~Groves and farms for the cultivation and propagation of citrus, vegetables, fruits, berries, nuts, grass sod and trees.~~
 - ~~(d)~~ ~~Pastures and grasslands for the cultivation and propagation of livestock and the keeping of ponies or horses for the immediate use of the occupant and their guests excluding, however, the commercial raising of swine.~~
 - ~~(e)~~ ~~Plant nurseries and green houses not involved with retail sales to the general public.~~
 - ~~(f)~~ ~~Poultry production.~~
 - ~~(g)~~ ~~Dairy farms.~~
 - ~~(h)~~ ~~Fish hatcheries and bait production.~~
 - ~~(i)~~ ~~Stables, barns, sheds, silos, granaries, windmills and related agricultural structures.~~
 - ~~(j)(i)~~ ~~Roadside stands for the sale of fruits, vegetables and similar products produced on the premises, provided such stand is placed no closer than twenty-five feet (25') to a property line.~~
 - ~~(k)(j)~~ ~~Public and private elementary schools.~~
 - ~~(l)(k)~~ ~~Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm.~~
 - ~~(m)(l)~~ ~~One (1) boat dock and one (1) associated boathouse per lot.~~
 - (m) Community residential homes housing six (6) or fewer permanent unrelated residents.
 - (n) Accessory dwelling unit, subject to the following requirements:
 - (1) No more than one (1) accessory dwelling unit shall be permitted on any parcel or lot;
 - (2) Total floor area of the accessory dwelling unit shall not exceed 35 percent of the gross floor area of the main residence;
 - (3) If located in a detached structure, the accessory unit shall be set back at least 10 feet from the rear lot line and shall meet the side yard setback requirement applicable to the main residence.

30.104. Special Exceptions.

(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)(1) Public utility and service structures.~~
- ~~(3)(2) Churches and their attendant educational and recreational buildings and off-street parking.~~
- ~~(4) Parks and recreational areas which are publicly owned and operated.~~
- ~~(5)(3) Guest or tourist homes when located on state or federal highways.~~
- ~~(6)(4) Community residential homes having 7-14 unrelated residents, 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 ~~(2004)~~ 2006.~~
- ~~(7)(5) Kennels (including the commercial raising or breeding of dogs).~~
- ~~(8)(6) 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 Planning Manager.~~
- ~~(9) Riding stables.~~
- ~~(10) Mobile and manufactured homes in accordance with the siting standards of part 70, chapter 30 of the Land Development Code.~~
- ~~(11) Temporary placement of a mobile home on a lot or parcel on which there is currently a primary residence in cases of severe medical hardship. Such conditional use shall result in a temporary placement of a mobile home for a period not to exceed two (2) years. Such placement shall be allowed only in cases of severe medical hardship requiring the location of a caregiver on the site. Only (1) extension of this conditional use may be approved.~~
- ~~(12) Commercial raising of swine.~~
- ~~(13)(7) Farmworker housing, either single family or multifamily dwellings, including manufactured homes, if the land use is a bona fide agriculture use; provided, however, that such structures may house only those persons and their immediate family employed in carrying out such bona fide agricultural use. Mobile homes constructed prior to June 15, 1976 shall not be permitted. ~~may be permitted in lieu of tenant dwellings; provided, however, that such approvals shall be limited to a period of two (2) years. The Board of Adjustment may renew said approval for one (1) additional time period of two (2) years after review and finding that the land is used for bona fide agricultural purposes and that the use of the mobile home directly benefits said agricultural purposes.~~~~
- ~~(14)(8) Communication towers.~~

- ~~(15) Disposal of tree cuttings or similar organic materials by burning which materials have been transported to the property.~~
- ~~(16)~~(9) Bed and Breakfast establishments when located adjacent to or encompassing a part of the Seminole County trail system or part of an approved agritourism use.

Sec. 30.108 Building site area regulations

- (e) The moving hitch, wheels and axles and transporting lights shall be removed from a manufactured dwelling unit and skirting shall be placed around the base, in compliance with any regulations of the National Flood Insurance Program, to ensure neighborhood compatibility.
- (f) Exterior materials of any dwelling unit shall have reflectivity which does not exceed that of gloss white paint.

Section 30.1255. Agricultural Signs in A-3, A-5, and A-10

Any bona fide agricultural use in the A-3, A-5, and A-10 districts may display a maximum of 2 off-premise signs indicating product(s) and service(s) available, and directions to the site where such items are offered. Such signs shall be located only on properties in the A-3, A-5, and A-10 zoning classifications, and shall only refer to uses located in the same zoning classification(s).

Signs approved under this Section shall be subject to the following additional restrictions:

- (a) Signs permitted under this section shall be limited to indicate the seasonal availability of produce and/or other activities related to the agricultural use of the property being advertised. Any such sign shall be limited to the product(s) and service(s) available, and directional information.
- (b) No sign shall exceed 12 feet in height and 32 square feet in display area, which shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure shall not be counted as part of the area of the sign unless such structure functions as part of the message or face of the sign, as determined by the Planning & Development Director.
- (c) All signs shall be set back a minimum of 15 feet from any road right-of-way, and be no closer than 300 feet from any other ground or pole sign, either temporary or permanent.
- (d) Agricultural signs shall be on display for a maximum of 8 months in any calendar year, at the end of which time it shall be removed. Alternatively, if the sign structure is designed such that all sign faces or panels are removable, leaving only supporting poles or beams, the structure may remain permanently while the sign faces are removed.
- (e) In addition to signs listed in Section 30.1245, the following signs are prohibited:
 - (1) Signs with panels having changeable lettering and/or designs;
 - (2) Inflatable signs;
 - (3) Illuminated signs;
 - (4) Electronic signs;

- (5) Signs that move, flash, rotate or otherwise create the appearance of motion;
 - (6) Signs that simulate or imitate in size, color, lettering, or design any traffic sign or signal, or which make use of words, symbols or characters in such a manner as to interfere with, mislead or confuse vehicular traffic.
- (f) Each agricultural sign approved under this section shall require a permit from the Planning & Development Director. Permit applications shall include the following:
- (1) Scaled drawings indicating size and location of the proposed sign;
 - (2) Graphic representation of the sign, drawn to scale;
 - (3) Display dates;
 - (4) Authorization from property owner (if other than applicant);
 - (5) Sign removal deposit in an amount to be established by resolution of the Board of County Commissioners;
 - (6) Signed agreement to forfeit such deposit should the sign not be removed when required, and written authorization from the property owner granting Seminole County authority to enter said property to remove the sign. If such sign is not removed within 7 days after notification by the Planning Division, the deposit will be forfeited and Seminole County will take necessary action to insure removal of the sign.

Section 3. Severability. Excepting Section 30.1255, if any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this ordinance and the balance of this Ordinance shall not be affected thereby.

If any portion of Section 30.1255 is for any reason held by the Court to be unconstitutional, inoperative, or void, then the whole Section shall be void.

Section 4. 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 Seminole County Land Development Code and that the word "Ordinance" may be changed to "section," "part" or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 3, 4, and 5 shall not be codified.

Section 5. Effective Date. This Ordinance shall become effective 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 ____, 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
BOB DALLARI, CHAIRMAN

OBJECTIVE FLU 10 AFFORDABLE AND WORKFORCE HOUSING

The County shall continue to implement and enforce innovative land development techniques and programs to promote safe and decent housing for existing and future residents by supporting the provision of housing attainable by the County's workforce and lower income residents and ensuring the continued viability of affordable housing. The programs and Land Development Code provisions undertaken to implement this Objective are intended to support the Central Florida Regional Growth Vision principle of creating a range of obtainable housing opportunities and choices, and to integrate the findings of the Seminole County Workforce Housing Task Force into the County Plan.

Policy FLU 10.1 Affordable And Workforce Housing Density Bonus

The County is examining potential Land Development Code provisions designed to encourage development of a range of obtainable, affordable and workforce housing opportunities and choices that may be enacted by 2010. The changes will include provisions to implement *Policy FLU 5.15* and *Policy HSG 4.4*.

Policy FLU 10.2 Affordable Housing Trust Fund and Linkage Program

The County shall continue to maintain its Federal/State-funded Affordable Housing Trust Fund to purchase and subsidize the cost of land, impact fees, supporting infrastructure, and other housing delivery costs as a means of encouraging nonprofit developers to build and otherwise provide housing for very low and low income households.

Policy FLU 10.3 Manufactured Housing and Mobile Homes

The County shall provide opportunities for manufactured housing and mobile homes through the following actions:

- A Continuing to allow existing manufactured housing and mobile homes as permitted uses where previously permitted and allow as permitted uses in the zoning classifications associated with Rural-3, Rural-5, and Rural-10 land use designated lands;
- B Continuing to allow minimum parcel size for manufactured housing developments to promote affordable housing; and
- C Continue to enforce Land Development Code provisions for locating manufactured housing/mobile homes, including standards for access, compatibility with surrounding land uses, construction standards, impact on infrastructure, and appropriate length of use.

Policy FLU 10.4 Travel Trailer Parks and Campsites

The County shall continue to allow existing sites identified as of September 11, 1991, to continue to be permitted uses under the provisions of the RM-3 zoning classification within the Suburban Estates land use designation. The RM-3 zoning classification shall continue to exist notwithstanding its incompatibility with any land use designation created in this Plan. However, if such sites are undeveloped or the uses are abandoned (including as a result of natural disasters or similar occurrences or events) for a period of one hundred and eighty (180) days then such sites shall be assigned a new land use designation and rezoned to be consistent with that land use designation.

**Seminole County
ECONOMIC IMPACT ANALYSIS
Manufactured Home/Agricultural Signage Ordinance**

Date:	6/09/09	Department/Division:	Planning and Development/ Planning Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Amendment of the Land Development Code to allow manufactured housing as a permitted use in the county's East Rural Area; also, to permit off-site signage relating to active agricultural uses in the East Rural Area.		
Topic:	Manufactured Home-Ag Signage Ordinance		

Describe Project/Proposal

The proposed amendments to the County's Land Development Code will establish manufactured homes as a permitted use in the zoning districts A-3, A-5, and A-10, also known as the East Rural Area. Also, several uses now listed as Special Exceptions will become permitted uses in said districts, including agricultural operations, riding stables, and churches. In addition, the ordinance will establish regulations, including permitting requirements, for off-premises signs which indicate the availability of agricultural products and related activities on properties in the East Rural Area.

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

The direct economic impacts associated with the proposed amendments are expected to be positive in increasing the availability of affordable housing, and also in facilitating commerce for agricultural business in rural areas of the County. The proposed amendments are not expected to create the need for additional staff to process applications. Permit fees for sign approvals will supplement the County budget in an amount which should cover administrative costs associated with agricultural signs.

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

The direct economic impacts of the proposed amendment are as follows:

- (a) Increasing the supply of affordable housing in Seminole County, enabling more citizens to attain better living conditions for a given level of income.
- (b) Permitting farm and other agriculture-related uses to advertise their products, services, and activities to a greater number of potential customers than is now the case.

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

Indirect economic impacts include the possibility of increased property tax receipts and less need for public assistance related to low- and moderate-income households. Qualifying agricultural operations will benefit from increased business activity generated by the new type of signage that will be permitted.

Seminole County
PRIVATE PROPERTY RIGHTS ANALYSIS*
Manufactured Home/Agricultural Signage Ordinance

Date:	6/09/09	Department/Division:	Planning and Development/ Planning Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Amendment of the Land Development Code to allow manufactured housing as a permitted use in the county's East Rural Area; also, to permit off-site signage relating to active agricultural uses in the East Rural Area.		
Topic:	Manufactured Home-Ag Signage Ordinance		

Describe Project/Proposal

The proposed amendments to the County's Land Development Code will establish manufactured homes as a permitted use in the zoning districts A-3, A-5, and A-10, also known as the East Rural Area. Also, several uses now listed as Special Exceptions will become permitted uses in said districts, including agricultural operations, riding stables, and churches. In addition, the ordinance will establish regulations, including permitting requirements, for off-premises signs which indicate the availability of agricultural products and related activities on properties in the East Rural Area.

Estimated Economic Impact on Individuals, Businesses, or Government

Impacts to individuals include increased housing opportunities at more affordable pricing levels, improving living conditions for some low and moderate income households and reducing the need for Seminole County workers to commute to local jobs from other counties. Agricultural operations offering produce and other farm-related activities will have greater opportunities to reach potential customers, thus improving profits and strengthening the County's tax base.

Impacts to government should be minimal and primarily positive, with the elimination of public hearing requirements for manufactured homes in the Rural Area. The County will institute a permitting process for signs, which can be conducted by existing staff.

***Note:**

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

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

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

Anticipated New, Increased or Decreased Revenues

These amendments may affect revenues relating to the cost to local government of implementing new regulations; and revenues generated from business and/or individuals to comply with new regulations.

Method Used in Determining Analysis

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

Citation

Seminole County Comprehensive Plan