

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

**WEDNESDAY, SEPTEMBER 6, 2023
6:00 PM**

MINUTES

***** CONTINUED FROM THE 8/2/2023 P&Z MEETING *** - Land Development Code Rewrite and Associated Comprehensive Plan Amendments** - Consider the first reading of an Ordinance amending Chapter 1 - General Provisions, Chapter 5 - Administration, Chapter 35 – Subdivisions, Chapter 40 – Site Plan Approval, Chapter 60 - Arbor, and Chapter 80 – Construction, and a Repeal and Replace of Chapter 2 Definitions and Chapter 30 – Zoning of the Seminole County Land Development Code and consider an Ordinance amending the Introduction and Future Land Use Element of the Comprehensive Plan; Countywide (**Mary Moskowitz, Project Manager**).

Rebecca Hammock, Development Services Director, stated that this item is the first reading of an Ordinance amending the Seminole County Land Development Code and an Ordinance amending the Introduction and Future Land Use Elements of the Comprehensive Plan. The major effort is amending the Land Development Code, but we are also proposing a concurrent Ordinance amending the Comprehensive Plan, as they must be consistent. Proposed revisions include Chapter 1 – General Provisions, Chapter 5 – Administration, Chapter 35 – Subdivisions, Chapter 40 – Site Plan Approval, Chapter 60 – Arbor, Chapter 80 – Construction, and we’re proposing an entire repeal and replacement of Chapter 2 – Definitions and Chapter 30 – Zoning Regulations, which are the zoning regulations in the Land Development Code.

Ms. Hammock provided a history of the Land Development Code. This update has been in process for over three (3) years. The process began with a review of current regulations and a recommended strategy for the re-write. Draft Code revisions were presented to the Seminole County Board of County Commissioners (BCC), the Planning & Zoning Commission (P&Z), and to the public. After numerous work sessions and public meetings, we are now ready to begin the final review and adoption of the Code. It begins tonight with the Planning & Zoning Commission in this Board’s capacity as the Local Planning Agency, to provide a recommendation to the BCC. The first reading of the

Ordinance and Transmittal hearing for the associated Comprehensive Plan amendments will be held on September 26, 2023. The second reading of the Ordinance and Adoption hearing will likely be in early November of 2023.

The Land Development Code Re-write has several goals. Some are technical and include updating items that impact day-to-day operations and modernizing the Code. The proposed revisions include a total re-organization of Chapter 30 – Zoning Regulations. Other changes are more ministerial and include correcting typos and updating titles. This re-write also includes targeted updates to address previously identified topics of concern, such as kennels, parking requirements, and truck parking in residential areas. This current Land Development Code Re-write happened concurrently with the Envision Seminole 2045 effort and the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. Likely, following this hearing, once we complete the EAR-based amendments, which will be before this Board before the end of the year, we anticipate more updates to the Land Development Code.

In addition to the technical revisions, the Land Development Code Re-write includes the development of new standards, including the Mixed Use Corridor District, Missing Middle Housing, Solar Energy Systems, Civic Assembly Use Standards, and Tree Planting requirements for subdivisions; as well as new regulations for mobile food vendors, design standards for parking garages, electric vehicles (EV), and EV-ready parking standards, and bicycle parking standards.

The Land Development Code Re-write also revises standards related to Affordable Housing, Arbor Regulations, requirements to utilize Florida Friendly landscaping, expanding Rural, Non-Residential Design Standards, Major and Minor Roadways with the East Rural Area, and reducing minimum living area for Single Family Dwellings to allow for a mix of housing types. This was one of the efforts from the Affordable Housing Strategic Plan, which was a recommendation that jurisdictions either eliminate minimum housing size or reduce minimum housing size. Through work sessions with the BCC there was consensus to reduce minimum housing sizes.

Also proposed is to update Open Space regulations to include a revised definition of “Cluster” and provide clarification regarding Cluster Subdivisions in the Wekiva River Protection Area (WRPA). Also proposed are more revisions to the Cluster Subdivision Regulations within the EAR-based amendments, which will be before this Board soon. In addition, the definition of “Developable Area” has been clarified to have the same meaning as “Net Developable Acreage”.

The most substantial changes in the proposed Land Development Code Re-write are within Chapter 30 – Zoning Regulations. Although the chapter has been totally re-organized, most items remain unchanged. The updates include removing repetition by consolidating items, including a Use Table, which is a replacement of the existing pyramid structure. Within each Zoning District, there was a list of permitted uses and Special Exception uses that referred back to the other Zoning Districts. For example, C-3 (Commercial) would refer back to permitted uses within C-2 and C-1 (a pyramid effect),

so you had to reference back to the previous Zoning District. This new proposed Re-write creates a Permitted Use Table, so that you can go to a specific use and it will tell you what Zoning Districts are permitted in or if it is a Special Exception. This is more user-friendly for Staff and the public.

Staff recommends that the Planning & Zoning Commission recommend that the Board of County Commissioners adopt upon first reading an Ordinance amending Chapter 1 – General Provisions, Chapter 5 – Administration, Chapter 35 – Subdivisions, Chapter 40 – Site Plan Approval, Chapter 60 – Arbor, and Chapter 80 – Construction, and repeal and replace Chapter 2 – Definitions and Chapter 30 – Zoning Regulations of the Seminole County Land Development Code and transmit an Ordinance amending the Introduction and Future Land Use Element of the Comprehensive Plan.

Commissioner Stephen Smith asked what the original zoning was on self-storage. Ms. Hammock responded that in the current Land Development Code, self-storage is not listed as a specific use and we would classify self-storage as a warehouse. They were only permitted within the C-3 (Commercial) Zoning District, which requires Industrial Future Land Use. A lot of times we would have developers and applicants propose a Planned Development. There was some discussion with the Board of County Commissioners at the various work sessions as to whether we wanted to expand the allowable Zoning Districts for self-storage and allow them in C-2 and C-1 Zoning districts with certain conditions and design criteria. Staff was given direction to leave self-storage as currently permitted within Industrial/C-3. Alternatively, Developer's always have the option to propose a Planned Development.

Commissioner Smith responded that self-storage is currently a huge business with all of the apartments and smaller size houses being built. Ms. Hammock commented that there was concern from the BCC and citizens about allowing self-storage adjacent to residential areas, so they wanted it to be controlled through the Planned Development process. Commissioner Smith asked if they still have that as an option and Ms. Hammock responded yes.

Chairman Carissa Lawhun asked for more information about the definition of Cluster Subdivisions being proposed and what is changing. Ms. Hammock responded that the public had concerns related to past developments with required Cluster Subdivision, but it really wasn't within a cluster configuration, nor a very defined area of conservation or preservation. The community asked, which the BCC agreed, to revise our definition more in-line with the American Planning Association's definition of Cluster, which is what we're proposing. There is wording about intermittent, open space areas and about conserving land, not about increasing density, but minimizing infrastructure to preserve more open space.

Commissioner Smith stated that is a tough one, as he read through that document from the American Planning Association and was amazed at how many configurations and definitions of Clusters there are. Ms. Hammock responded that it is the issue they've tried to explain to citizens, as not all Cluster Subdivisions are going to look the same. It

depends on, for example, whether you're trying to protect an environmentally sensitive area, you may cluster all of the homes on the west side of the property, but the east side of the property would be completely vacant. She further stated that the public would like to see more intermittent open space, but it may not preserve an environmentally sensitive area, which extends the infrastructure and can impact the land even more. It really just depends on what you're trying to protect.

Commissioner Dan Lopez asked for an overview and summary of the minimum requirements for housing changes, as it relates to Affordable Housing. Ms. Hammock responded that in some of the Zoning Districts, instead of having a 1,100 square foot minimum house size, they've gone down to a 700 square foot minimum house size. In some districts, where they've already had a 700 square foot minimum house size, we're going down to a 400 square foot minimum house size.

Commissioner Smith asked if that is going to open up a tiny home subdivision. Ms. Hammock respond that it could, however the lot sizes are still required to be the same size. It would be a large lot for a small house. In reality, she doesn't see that happening because the land costs are too high. At least, by having the housing sizes so much smaller, there's more flexibility for a builder.

Chairman Lawhun asked what the purpose is of changing only the minimum house size and not also the minimum lot size too. Ms. Hammock responded that is just the minimum, but they can have larger house sizes. We are also adding the Missing Middle Housing, so we can have more housing typologies within certain Single Family Residential districts. The density still remains the same, but there will be opportunities to have duplexes, triplexes, or cottage courts.

Commissioner Smith asked if any consideration was given to a tiny home-type subdivision. Ms. Hammock responded that currently someone can propose a tiny home subdivision within a Planned Development, but there is no Zoning district that would allow a tiny home community. Depending on the Future Land Use designation of the property, which controls the density, then you could have the zoning through the Planned Development process. As long as conformance to the Florida Building Code with foundations is achieved, then it can be built. Otherwise, it would be considered a mobile home.

Commissioner Lopez asked if any discussions occurred with in-law suites. Ms. Hammock responded that we currently allow Accessory Dwelling units within our Single Family Residential Zoning districts. They are a permitted use already within the Land Development Code, which was one of the changes previously made based on their Affordable Housing Strategic Plan.

Commissioner Lopez asked if any changes have occurred with building height requirements and Ms. Hammock responded that there are no proposed changes to building heights.

Chairman Lawhun asked about the 25% tree conservation proposed change and how that is different. Ms. Hammock responded that currently under the Site Plan Regulations you cannot remove more than 75% of the protected trees on-site and are required to retain 25% of the trees. There is some flexibility in the Code that can be waived by Staff if it is too burdensome or unrealistic, but adding that same provision to the Subdivision Regulations with the goal to retain 25% of the existing trees. Also added to the Subdivision Regulations are the requirement that each lot in new subdivisions be required to plant two (2) trees. Once the property owner buys the lot and moves in, they can technically remove the trees, outside of any deed restrictions, but we're hoping residents will keep the trees.

Chairman Lawhun stated that she's not entirely sure how burdensome that is on the developer's side and the property rights of the parcel owners being developed. She asked what the tree planting requirement is now. Ms. Hammock responded that the requirement is to do replacement trees for any trees proposed to be removed, within the ratio requirements. Most developers will provide those within common areas, buffer tracts, common open space, or will leave a tree preservation area. In addition to the tree replacement requirements or any buffering requirements within a Planned Development, we are proposing that the developers be required to plant two (2) trees on the property, a common practice with new developments. However, State Law provides that if a dead or dying tree is a danger to a structure, the property owner is allowed to remove the tree without a permit. In fact, our Code exempts property less than five (5) acres, which we're changing to exempt properties three (3) acres or less.

Additional tree planting discussion ensued.

Commissioner Tim Smith asked if any changes have occurred with protected trees. Ms. Hammock responded that they've added more protections and added higher replacement standards. Currently, in the Arbor Fund, if a fine was imposed due to an Arbor violation, then payment into the Arbor Fund can occur. This has been re-written, so if a development is not able to meet their tree replacement requirements, once they've made an effort to re-plant on the property, if there's physically not enough room to plant the inch-size required, they can pay into the Arbor Fund.

Ms. Hammock stated that historic trees are protected. The definition states that a protected tree is any existing tree with a minimum of 6 inches DBH on the approved plant species list or the Florida Friendly Landscaping guide plant list for the Central Florida region in appropriate USDA plant hardiness zones. Unless exempted, all of these trees are subject to a tree removal permit, per Chapter 60.

Commissioner Stephen Smith asked what is considered an historic tree. Ms. Hammock responded that an historic tree is any Live Oak, Bald Cypress, or Long Leaf Pine 36 inches or greater DBH as determined by Seminole County to be of such unique and intrinsic value to the general public because of its size, age, historic association, or ecological value as to justify this classification. Prior to removal of any Live Oak, Bald Cypress, or Long Leaf Pine 36 inches or greater DBH, a report from a certified Arborist

must be submitted detailing the condition of the tree. If the condition of tree has a rating over three (3) or above, the tree must be inspected by the Natural Resource Officer, prior to removal. Any tree designated as a Florida State Champion shall likewise be within this definition.

Ms. Hammock stated that this is the first reading of the Ordinance and the transmittal of the Ordinance to amend the Comprehensive Plan. If the Board would like to review these in more depth, there will be another opportunity to bring this up for Staff to address in the second reading.

Chairman Lawhun asked what the scope of change is with the developable area. Ms. Hammock responded that it is related to calculating open space and making sure that the open space calculation had the same definition as the definition to calculate density or F.A.R.

A motion was made by Commissioner Stephen Smith, seconded by Commissioner Dan Lopez to recommend the Board of County Commissioners adopt upon first reading an Ordinance amending Chapter 1 – General Provisions, Chapter 5 – Administration, Chapter 35 – Subdivision, Chapter 40 – Site Plan Approval, Chapter 60 – Arbor, Chapter 80 – Construction, and a repeal and replace of Chapter 2 – Definitions and Chapter 30 – Zoning Regulations of the Seminole County Land Development Code and transmit an Ordinance amending the Introduction and Future Land Use Element of the Comprehensive Plan to State and Regional Review Agencies. The motion carried unanimously.

Ayes: (4) Chairman Carissa Lawhun, Vice Chairman Dan Lopez, Commissioner Walter Grundorf, and Commissioner Stephen Smith